Valuing Others in Classical Antiquity

Edited by

RALPH M. ROSEN
& INEKE SLUITER

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Valuing Others in Classical Antiquity

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In memory of
Elfriede R. (Kezia) Knauer
1926–2010

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ABBREVIATIONS

Abbreviations of ancient authors and works, and of modern publications, in most cases follow those found in the *Oxford Classical Dictionary*, 3rd edn., edited by Simon Hornblower and Anthony Spawforth, Oxford 1996.

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CHAPTER ONE

GENERAL INTRODUCTION

Ineke Sluiter and Ralph M. Rosen

1. *Introduction*

The scale of human societies has expanded dramatically since the origin of our species. From small kin-based communities of hunter-gatherers human beings have become used to large-scale societies that require trust, fairness, and cooperative behavior even among strangers. Recent research has suggested that such norms are not just a relic from our stone-age psychological make-up, when we only had to deal with our kin-group and prosocial behavior would thus have had obvious genetic benefits, but that over time new social norms and informal institutions were developed that enabled successful interactions in larger (even global) settings. 'Market integration', for instance, measured as the percentage of purchased calories, is positively correlated with a sense of fairness. And indeed, the more a community depends on the market for sustenance, the more important it is to have that market work as smoothly as possible: mutual trust and a shared sense of fairness are clearly helpful and may thus have coevolved. Larger communities will show a greater willingness than smaller ones to engage in the individually costly behavior of punishment: the more strangers there are, the more important it is to stifle exploitative behaviors.[1]

Stories about the origin of human society from classical antiquity also express a deep awareness of the need for prosocial norms. In the myth told by Protagoras in Plato's homonymous dialogue, an accident in the distribution of all qualities and talents caused man alone of all living creatures to be naked and helpless. Fire, stolen by Prometheus, helped

[1] For this paragraph see the important article by Henrich *et al.* 2010; Hoff 2010. Cf. also the chapter by Josiah Ober in this volume.

a little bit: this gave human beings the technical skills to provide housing and clothing, but they were still incapable of defending themselves against the wild animals, since they were all living by themselves. In order to form communities, they would need 'political skill', guarded by Zeus. Whenever they tried living together nonetheless, they would treat each other unjustly, and as a result disperse and perish once again. When Zeus finally took mercy, says Protagoras, he distributed two vital qualities over all human beings: a sense of justice and fairness (*dikaiosunê*), and a sense of shame or respect (*aidôs*). Justice would give them a sense of what they ought to do, 'respect' would hold them back from dealing with each other in ways that would give offense. *Aidôs* always conveys this notion of social inhibition. It is only these qualities that make life in the community of a *polis* possible.[2] Similarly, when Cicero offers his own myth on the origin of civilization and the role of rhetoric in it, he emphasizes the need for morality in the successful formation and maintenance of human communities, and decries the corruption and perversion that leads to societies' degeneration.[3]

2. *'Natural values', 'cultural discourse of values'*

Notions of 'fairness' and 'trust' seem universally to underlie or to have coevolved with human communities, and it is likely that they also universally found expression in evaluative language; furthermore, human communities probably universally developed norms and values expressing and constructing a basis for the idea that people somehow or other 'belong together', that they 'value each other'. Although there is an evolutionary rationale for such norms, their expression in *specific* value terms and concepts is culturally embedded. Such terms are part of the mental furniture that forms our 'social imaginary', as Charles Taylor calls it: they belong to the frames, concepts, or metaphors through which we conceive of political society. Taylor defines a 'social imaginary', as distinct from a social theory, as follows:

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[2] Pl. *Prt.* 320d–322d. On *aidôs* see Cairns 1993. For a positive evaluation of Protagoras' contributions to socially and ethically desirable forms of deliberative decision-making see Day 2007; Woodruff 2008; Sluiter, forthcoming.

[3] Cic. *Inv. rhet.* 1.1–3.

> the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations.[4]

In part, Taylor himself focuses on larger conceptual constellations, such as 'the economy' or 'the public sphere', but obviously, in studying value discourse, we are dealing with the same type of cultural mapping of evolutionary adaptive behaviors. The Greek term *aidôs* from Protagoras' myth is a good example: it expresses an indispensable attitude that a well-adjusted Greek ought to take to others, but it does not map completely onto one and only one value term in the English lexicon. Such culturally specific phenomena in the evaluative discourse of classical antiquity are the concern of this project. Another example would be the discursive rationalization (or the discursive expression of the emotion) explaining why doctors engage in their sometimes unpleasant and risky work. Galen (*PHP* 9.5.4 DeLacy) invokes the value and sentiment of φιλανθρωπία 'love of (one's fellow-)humans' as one of the motivations to become a doctor and juxtaposes it to more practical considerations of direct benefit:

> For some people practice medicine in order to make money, some because of the exemption from indirect taxation bestowed on them by law, some out of *love for their fellow human beings*, and yet others because of the reputation or honor it will win them.
>
> τινὲς μὲν γὰρ ἕνεκα χρηματισμοῦ τὴν ἰατρικὴν τέχνην ἐργάζονται, τινὲς δὲ διὰ τὴν ἐκ τῶν νόμων αὐτοῖς διδομένην ἀλειτουργησίαν, ἔνιοι δὲ <u>διὰ φιλανθρωπίαν</u>, ὥσπερ ἄλλοι διὰ τὴν ἐπὶ ταύτῃ δόξαν ἢ τιμήν.

Galen's great predecessors Hippocrates, Empedocles, and many of the ancients, it is alleged, practiced from φιλανθρωπία (*PHP* 9.5.6 DeLacy). *Philanthrôpia* is not just adduced in antiquity as a reason to become a doctor, it is also invoked to explain the universal impulse in human beings to share their knowledge with others, i.e. to become teachers. This natural impulse is described by Cicero, and a number of unrelated passages connect it with the motivation of *philanthrôpia*.[5] *Philanthrôpia*

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[4] Taylor 2004, 22.

[5] Cf. Sluiter 1999, 175 with n. 6. E.g. Cic., *Fin.* 3.65–66. *impellimur autem natura, ut prodesse velimus quam plurimis in primisque docendo rationibusque prudentiae tradendis.* [Note the focus on the content of teaching: the prosocial virtue of *prudentia*]. *itaque non facile est invenire qui quod sciat ipse non tradat alteri; ita non solum ad discendi propensi sumus* [as Aristotle had stated, *Metaph.* A 1], *verum etiam ad docendum*. For the

is not the only term that helps to construct a feeling of universal scope, i.e. a feeling not narrowly directed at a specific other, whether family or stranger, but to all members of the human species. In Stoic philosophy, the process of *oikeiôsis*, of 'making one's own', is used to explain how the philosopher can become a cosmopolitan, a citizen of the whole world. This is not by expanding his own range of action outwards, but by gradually conceptually bringing in more and more of the 'outside world' into the domain that the philosopher considers 'home' and 'his own': by acknowledging the existence of *oikeiotês* 'belonging'. Keimpe Algra has called this phenomenon 'social appropriation'.[6] *Aidôs*, *philanthrôpia*, and *oikeiotês* belong in the evaluative lexicon, and they all three underpin and imply a valuing of the other as someone who should not be offended, who should be valued for being human, and who 'belongs' with one. All three are examples of the kind of 'valuing others' that makes a group a group, and that is the specific interest of this volume.

One last issue should be briefly addressed at this stage. One could easily see a tension between the biological or anthropological universals of exchange, reciprocity, and obligation on the one hand, and on the other the value discourse used to structure and articulate such relationships and to construct and express our experience of them. This perceived tension is the source of Bourdieu's notion of *méconnaissance* 'misrecognition'. According to Bourdieu, *méconnaissance* is the process of concealing certain truths from ourselves whenever we disregard (and are in fact meant to disregard) certain factual obligations in favor of a different conceptualization of a relationship.[7] When one is a friend, for example, one is not supposed to be a bookkeeper of favors given and received. But as soon as the friendship threatens to dissolve, it turns out that some form of mental accounting had been going on all along. Bourdieu's theory presupposes that there is a sharp distinction between what is *really* going on and the (secondary) discursive representation of what is going on.

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connection with *philanthrôpia*, e.g. Erotian 6.5f. Nachm.: 'whatever people invented, they made a great effort in their "philanthropy" to write down' (ὅσα τινὲς εὗρον ἐσπούδασαν φιλανθρώπως ἀναγράψαι).

[6] See Algra 2003, discussing various value terms used to underpin social appropriation, such as οἰκειότης, compounds with συν- and ὁμο-, such as ὁμόνοια, συγγενεία; κοινωνία, etc.

[7] Cf. Bourdieu 1977, ch. 1; the problem discussed in this paragraph will be treated at length in the forthcoming doctoral dissertation (Chapter 2) by Tazuko van Berkel, to whom we are grateful for sharing her ideas with us on this topic. See also the chapter by Nick Fisher in this volume.

At the very least we will have to integrate into this picture the coevolution of societal standards of behavior with market institutions as discussed in section 1 (independent of their cultural discursive expression). But in addition, there is no reason why even a sharp distinction between the levels distinguished by Bourdieu should affect the *sincerity* of the accepted conceptualization. One way to bridge the gap and to understand the mechanism of *méconnaissance* may be through our emotions and those value terms that have an affective component. Intriguingly, the most obvious candidate of such a value term in ancient Greek, φιλία, is being debated on precisely this point: does it actually have an affective component or is the Greek concept one of reciprocal obligation and exchange only? Different points of view will be represented in this volume.[8] This debate illustrates why the analysis of value discourse is so fascinating and so hard. It is tempting to treat values as rhetorical tricks once we have discovered the underlying evolutionary mechanism, and yet, we would be misguided to do so. On the other hand, engaging in value discourse is a form of behavior with its own structure and purposes: that, too, should not be ignored.

3. *Valuing others in classical antiquity*

In this book, we investigate what value terms and evaluative concepts are used in classical antiquity to articulate the idea that people 'belong together', as a family, a group, a polis, a community, or just as fellow human beings. How is a notion such as '(civic) community' conceptualized in the value discourse of antiquity? How are ideas and concepts about what we might call 'fellow-feeling', 'friendship', 'respect', etc. expressed in antiquity, and how do they contribute to making a group a group? We will be exploring some of the different values, with their different perspectives, that ancient society found useful in thinking about belonging together, social cohesion, and unity. In the course of this volume, we will be discussing concepts such as *philia* and *amicitia* ('friendship'),[9] *sungeneia* ('kinship'), applied even outside the literal family, *concordia* and *homonoia* ('concord'), *kharis* (the impossibly complex concept

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[8] See the chapters by David Konstan, Sarah Bolmarcich (both defending the affective nature of φιλία), and the one by Tazuko van Berkel.

[9] Cf. the chapters by David Konstan, Tazuko van Berkel, and, *e contrario*, Aislinn Melchior in this volume.

'covering all aspects of shared or collective pleasures and reciprocal activities'),[10] *to oikeion* ('belonging'),[11] *timê/atimia* ('owed respect' and its denial), *verecundia* ('respect'),[12] some compounds with *homo-* ('of the same x') and *homoio-* ('of similar x'), *koinon* ('what is common'), and many others.

As usual in the Penn-Leiden projects, many studies in this volume do not focus exclusively on one particular term or concept, but cast their net wider to ask about the relationship between socio-political context and the development of urban building (John Bintliff), type of socio-political community and preferred civic value discourse (David Konstan), 'valuing' the gods of others (Irene Polinskaya), communal values in Greek festivals (Nick Fisher), or in Greek diplomacy (Sarah Bolmarcich), and the appreciation of outsiders in the Athenian community (Robert Wallace). Josiah Ober links market considerations and positive valuation of outsiders. Attention is also paid to specific contexts: the Athenian courts and their expectations about communal values (Matthew Christ) or their role in publicly assessing fellow citizens (Eveline van 't Wout); assessments in teaching (Gerard Boter), or in the alternative community of gladiators (Kathleen Coleman). Particular kinds of evaluative behavior can be associated with the female voice (Judith Hallett). The texts under discussion come from a wide range of genres, poetry, historiography, philosophy,[13] oratory, letters, inscriptions.

4. *The project of the Penn-Leiden Colloquia on Ancient Values*

The Penn-Leiden Colloquia on Ancient Values have developed over the past ten years into a research project on the language, discourse, and conceptualization of values in classical antiquity.[14] Rather than covering one value after another, we have studied different questions about the discourse of value, from the workings of one specific individual value (*andreia*, manliness and courage), to a value that presupposes a community of at least two (*parrhêsia*, free speech); from the conceptual

[10] See the chapter by Nick Fisher in this volume.
[11] See the chapter by Albert Joosse in this volume.
[12] See the chapter by Cynthia Damon in this volume.
[13] Esp. the chapters by Albert Joosse and Ivo Volt in this volume.
[14] For a description of the different aspects covered in the previous instalments see Sluiter 2008, 2–4. Earlier book publications from the Penn-Leiden project: Rosen and Sluiter 2003 and 2006; Sluiter and Rosen 2004 and 2008.

organization of values (by looking at the way in which values are associated with and cluster around notions such as 'city' and 'countryside') to the negative approach (what are the anti-values of classical antiquity?). This time, we ask how the fact that human beings form communities in which prosocial behavior carries adaptive advantages is discursively anchored in culturally specific expressions (in evaluative discourse).

5. *In this volume …*

5.1. *Valuing others in ancient Greece*

In Chapter Two, John Bintliff provides an evolutionary ('social-Darwinian') approach to investigating the mechanisms promoting eusocial behavior, i.e. cooperation across a community. It is this kind of behavior that is rationalized in the discourse of the communal values examined in most of the other chapters. Against the background of this theoretical approach John Bintliff explores the evolution of house and town planning in the Greek city. He argues that this aspect of material culture reflects and corresponds with the development from a highly competitive class-based Iron Age society to the different types of city-states in the classical period, and the different ways in which problems of integration in communities larger than 150 to 200 members were solved. He distinguishes two forms of eusociality, one emphasizing hierarchical relationships (Dorian / Thessalian type), the other focusing on a strongly cemented horizontal group consisting of all non-slave classes. Both developments constitute leaps in cooperation. Changes in house design in the Hellenistic period are equally correlated to the new role of the citizen in society.

Chapter Three is concerned with Greek religion and the much-debated statement in Herodotus 8.144, which locates Greek identity not only in sameness of blood, language, and customs, but also in 'common' (*koina*) sanctuaries and sacrifices. Irene Polinskaya argues that the Greeks did not acknowledge one and the same undifferentiated group of any and all Greek gods as part of their common identity. The Herodotus passage refers to specific deities and specific panhellenic shrines. Only in literature was there a category of common Greek gods, one that often opposed Greek gods to foreign ones. In cultic practice, however, the notion of 'ownership' rather than sharing was dominant: gods were either one's own or those of others, or they belonged (in very specific cases) to all Greeks.

Nonetheless, the gods of others could be a valuable asset, and in the competition for what those gods were worth 'value' would take precedence over 'respect'.

In Chapter Four, Nick Fisher studies the role of festivals and festival competitions in fostering social peace, and in particular the concept of *kharis*, the reciprocal value *par excellence*. The chain of reciprocity denoted by *kharis* and its divine representation (the *Kharites*) operates in regimes of all political types and cements different social classes in the shared enjoyment of festival contests. This is a study of (the discourse of) a value of consensus and reciprocity that seems to have worked well in the civic institutions of the *poleis*, in spite of all the ongoing tensions and frictions.

In Chapter Five, we turn to the context of diplomatic relationships between Greek *poleis*. Sarah Bolmarcich argues that the introduction of the terms *philia* 'friendship' and *sungeneia* 'kinship' in the language of diplomatic treaties becomes especially prominent in the context of the Peloponnesian War as a way to establish not just legal, but also affective, relationships with other states. The discourse of *philia* may serve as a reinforcement of a purely legal concept such as *summakhia*. *Sungeneia* is first used by Thucydides in a diplomatic context; this rhetoric of kinship may have been used to strengthen Athenian claims of empire.

Chapter Six focuses on the valuation of outsiders in Athenian democracy. Robert Wallace connects the sharp increase in exclusionary attitudes towards women, foreigners, and slaves to the Cleisthenic democracy of 508 BCE, and proceeds to investigate the development of these attitudes and the criticism they evoked in the fifth and fourth centuries. Sophocles' *Ajax* is an important source in that it is the only text that represents all three marginalized groups sympathetically: Tecmessa is at the same time a woman, a slave, and a foreigner. Robert Wallace's analysis of public discourse suggests that the attitude towards women gradually improved in the later fifth and fourth century, that slaves continued to get a very mixed press, but that exclusionary practices continued to focus sharply on foreigners and on policing the boundaries between citizens and non-citizens.

Chapter Seven is devoted to relationships between the (instrumental) value attributed to foreigners and the increased openness and impartiality of Athenian legislation. The hypothesis is that when foreigners become relatively more important to a state, the rules of the state will be changed in their favor, so that their interests and preferences are taken into account more, but only at times when the state lacks the coercive

power to extract rents from them. This latter condition was not met when the Athenians were in full control of their empire, but both in the early fifth and in the fourth century Athens lacked the coercive power of empire. Especially in the fourth century, rule-makers were interested in lowering transaction costs by providing open, accessible, and impartial legal recourse, clearly intended to make it easier for foreigners to do business in Athens. A change in the valuation of foreigners may thus have led to rule-change promoting (instrumental) values of openness and impartiality.

Chapters Eight and Nine deal with value issues in the context of the Athenian courts. Eveline van 't Wout discusses the way in which trials in Athens may be used by litigants to produce a 'situation of critical reference', by which they may engineer a public evaluation of their status. She argues that in the Athenian courts social evaluation may take precedence over legal argument, so that what is at issue in these situations of high visibility is not so much the justice of the litigants' claims, but rather a communal and public evaluation of their rightful place in society (Chapter Eight).

In Chapter Nine, Matt Christ analyzes the frequent use in the popular lawcourts of appeals to help and of representations of what juries do in trials as helping behavior. In the social drama that is a trial, litigants frequently invoke the scenario in which the community, represented by the jurors, comes to the rescue of an endangered individual. The trial itself may be depicted as the continuation of an injustice that took place outside the lawcourts. Framing 'valuing others' in terms of 'helping behavior' (*boêtheia*) fosters a sense of community, and creates a bond between the litigant and the strangers on the jury in providing an ideal model of group-to-individual helping. The fact that the *topos* is invoked so emphatically and frequently demonstrates that the actual behavior was not as self-evident as the litigants make it out to be—apparently, they feel the need to inculcate it.

5.2. *Valuing others in philosophy*

The next five chapters turn to philosophical issues. In Chapter Ten, David Konstan uses a comparison between Aristotle and Cicero to demonstrate that important differences between the Greek concept of *philia* and the Latin *amicitia* are correlated with crucial socio-political differences between egalitarian Athens and hierarchy-conscious Rome. In particular, in Athens it is possible to conceive of the bond of social solidarity (in

its most general form) in terms of *philia*, thus conceptualizing citizens as 'friends'. In Rome, however, the presence of a strongly marked vertical relationship between classes (the concept of 'patronage') blocked the appropriation of *amicitia* for a sense of all-embracing social solidarity: hence, in Rome, citizens are not 'friends', but their community has to be conceived of in other value terms (such as *concordia*).

Chapter Eleven also deals with *philia*: Tazuko van Berkel analyzes the discourse of friendship and money ascribed to Socrates by Xenophon in his *Memorabilia*. She discusses the passage in which Socrates and Antiphon debate the issue of charging money for lessons. Here sophistic mercantilism is opposed to the Socratic conceptualization of long-term relationships (both erotic and didactic) in terms of *philia*. Sophistic education is a commodity; Socrates attributes value only with a view to the relationships in which exchanges take place. Van Berkel then proceeds to discuss the way in which the concept of *philia* itself is addressed in the *Memorabilia*, in particular its surprising treatment in terms of the discourse of commerce and monetary value (e.g. the 'acquisition' of friends). Essential for Socrates' view of friendship is the mutual benefit derived from the relationship (transcending the opposition between egoism and altruism), and its embedding in a relationship of long-term exchange (as opposed to instant gratification).

In Chapter Twelve, Albert Joosse studies Plato's dialogue on 'friendship', the *Lysis*. In particular, he investigates the concept of *to oikeion* and *oikeiotês* 'belonging', not its general use in Attic prose, but rather Plato's reflections on that concept. In theorizing *to oikeion* as a basis for or the essence of friendship, the dialogue provides a way of thinking about friendship that does not depend on the primacy of morality (it covers the gamut from possessions to intimacy), yet allows an understanding of why 'friendship' is so often discussed in terms of 'good' and 'bad'. *Oikeiotês* 'belonging' is essentially reciprocal, it emphasizes the family-like character of friendship and its permanence, and it is conceived of as something 'natural'.

Chapter Thirteen focuses on Theophrastus' *Characters*. Ivo Volt argues that the character types represented in that work are valued against the background of the socio-political community of Athens in the fourth century BCE. They are all adult, free, male Athenian citizens who display their (lack of) cooperative values in the context of the Assembly, the courts, or the theater. They are also frequently exposed in deviant behavior among their *philoi*, exceeding the normative expectations or falling short of them, and they defy standards of *koinônia* where money

is involved, in lending, borrowing, or contributing to a common cause. Thus, they also offend against principles of *kharis*. The connections with the chapters by Fisher, Konstan, and van Berkel are obvious.

The last of the 'philosophical' chapters, by Gerard Boter (Chapter Fourteen), studies the ways in which Epictetus evaluates his fellow human beings. Since the only value acknowledged by the Stoic philosopher is virtue, the teacher Epictetus evaluates his fellow human beings, his students, and himself on the basis of their correct assessment of that value and the extent to which they manage to 'walk the talk', that is, to concern themselves solely with what is in their own control to do right. Straying from that norm is ultimately an intellectual mistake. Inevitably, everyone including Epictetus himself falls short of this high standard, so that Epictetus is always in reproach mode and the question becomes more one of degree, nature, and tone of his invariably negative evaluation of others and self. Laymen are rebuked in a fairly lenient way as a form of protreptic, but students and Epictetus himself are reproved in deliberately harsh and hurtful tones for the sake of the 'health' of their souls.

5.3. *Valuing others in Rome*

The last four chapters turn to the Roman world. In Chapter Fifteen, Judith Hallett explores the evidence for evaluations in the female voice of family relationships. Cornelia and Sulpicia both offer self-representations through the language of human connectedness and emotional appeals, but they also make authority claims for themselves that are based on their personal and family relationships. In both cases, the relationship of these women to their respective fathers is important. In the case of Cornelia, we also see her asserting her own motherly authority over her children, while Sulpicia evinces a strong sense of her status as the daughter of her father in establishing her relationships with other men.

In Chapter Sixteen, Cynthia Damon discusses a specific aspect of Ciceronian friendship: she is interested in the question of how Cicero communicated to his friends the value he attached to their friendship. More particularly, she discusses the evidence of Cicero's ability to see himself through his addressees' eyes. After a brief discussion of the *Laelius*, she focuses on the correspondence, singling out the intimate correspondence with Paetus, which suggests an ongoing pattern of mutual teasing, the letters to Crassus and Antony, which betray a friendship in words only, and especially the correspondence with Atticus, in which

Cicero shows complete awareness of the fact that he could be very annoying. An important value underlying this practice of friendship is *verecundia*, the sensitivity to the feelings of others that makes one try to avoid giving offense.

Chapter Seventeen, on Sallust's *Bellum Catilinae*, in a way forms a counterpart to the chapter by David Konstan: Aislinn Melchior discusses a situation of civil war in which citizens are no longer fellows who work out their political disagreements without disrupting the essence of their community, but begin to regard each other as enemies who can, and even should, be killed with impunity. The crucial term in this discourse of *stasis* is *hostis*, normally applied to the enemy outside, but construed in the Catilinian conflict as the enemy within. Aislinn Melchior argues that Sallust presents this discursive use of *hostis* not just as a symptom of *stasis*, but rather as one of its causes: words become catalysts of civic decline. And whereas normally the audience is invited to share the point of view of whoever presents the other party as *hostis* (and thereby puts himself in the heroic position of the defender of societal values), in the *Bellum Catilinae* there is a purposeful and progressive confusion of what party, Catiline or the Roman army, is meant by this term: *stasis* turns *hostis* against *hostis*.

In the final chapter (Eighteen), Kathleen Coleman investigates different kinds of inter-human appraisal in a context that at first sight seems only suitable for its negative expression: the gladiators. Although an object of societal contempt, gladiators also form bonds, their epitaphs articulate positive evaluations expressed by themselves, their co-fighters who are at the same time their opponents, or their troupe, and show how they may be valued for their fighting spirit, commercial value, or their attitude in the face of death. Kathleen Coleman looks at the question from all different perspectives: society at large, the sponsors of the games, the troupe, the support staff, and the individual gladiators, demonstrating how a deep sense of community is fostered and expressed even in these unlikely circumstances.

6. *Valuing others by the editors*

At the end of this introduction we would like to thank our colleagues from the Department of Classical Studies at the University of Pennsylvania and the Leiden University Department of Classics for their support, help, and participation in the Penn-Leiden project. For financial support

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Maria Riep provided invaluable and committed help in organizing the conference, and earned the personal gratitude of many participants by her care and attentiveness. Susannah Herman shared her vast knowledge on how to feed and entertain large groups of academics and took the right executive decisions at critical moments. Nina Kroese and Myrthe Bartels stepped in when more hands were needed. At this conference, inspired by our colleagues from the (social) sciences we did not only have regular paper sessions, but we also experimented with poster presentations, some of which ended up as full chapters in this volume. The prize for the best poster presentations was awarded to Roshan Abraham, from the University of Pennsylvania.

In preparing this volume, many colleagues helped in evaluating and critiquing the submissions. Thank you, Karen Bassi, Josine Blok, Joan Booth, Joy Connolly, Cynthia Damon, Nick Fisher, James Ker, Jeremy McInerney, Sheila Murnaghan, Kurt Raaflaub, Henk Singor, Peter Struck, Tom Tartaron, Teun Tieleman, Henk Versnel, and Emily Wilson. We are very grateful to Sarah Scullin, our excellent, ever-vigilant editorial assistant, and to Iveta Adams, our copy-editor for Brill, with her sharp eye for detail. Brill Publishers (represented by Caroline van Erp and Irene van Rossum) have supported the Penn-Leiden volumes from their inception in 2000, and we would like to express our sincere thanks to them.

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CHAPTER TWO

CLASSICAL GREEK URBANISM: A SOCIAL DARWINIAN VIEW

John Bintliff

1. *A social Darwinian perspective*

Two generations ago, evolutionary biologists argued that individuals in some animal communities acted to mutual advantage so as to make all members' chances of surviving and reproducing higher than in a 'one against the rest' competitive society.[1] But this theory, called 'Group Selection', was undermined and then replaced during and after the 1960s by the 'Selfish Gene' view, in which altruism is primarily driven by kin selection, and animals help each other because they share a significant body of genes.[2] Interestingly for the purposes of this volume, and for my aims in this chapter in particular, there is a major revolution being plotted by one of the most famous biologists to meddle in animal and human behavior—Edward O. Wilson. In a recent key paper, and in a co-authored volume the following year, Wilson argues that kin selection plays an insignificant role in communities of social insects.[3] Crucially, where at a certain stage of its life cycle an animal can be flexible in its social role, only a small change in gene mutation or environmental circumstances can cause the emergence of efficient cooperation across the whole community. Groups that cooperate do better than those that do not, which continually enhances these 'eusocial communities'.

After the furor that attended the very limited references to human societies in his pioneering book *Sociobiology*, Wilson offers a diplomatic comment on whether this new perspective might apply to human societies—'possibly yes, possibly not'.[4] However, I find its potential

[1] Wynne-Edwards 1962.
[2] Hamilton 1964; Wilson 1975; Dawkins 1976.
[3] Wilson 2008; Wilson and Hölldobler 2009.
[4] Wilson 1975.

application especially appropriate in the context of city-states, including the Greek *polis*.

As a specialist in material culture, I would like to explore the theme of what a Classicist would term 'communal values', and a Social Darwinist 'eusociality', through the evolution of house and town planning in the Greek city.

2. *Iron Age beginnings*

In the Iron Age we find two recognized settlement types.[5] The first kind is a scattered village plan, such as has been excavated underneath the later city of Eretria on Euboea. Domestic dwellings are dispersed and disorganized with regard to each other. There can be a communal fortification as a refuge or surrounding the settlement as a whole. Houses are frequently just a single room, such as was discovered at the west Anatolian coastal settlement of Old Smyrna. However, several settlements appear to show a chieftain's greathouse / communal focus amidst them. The best-known examples are at Lefkandi (Euboea), Nichoria (Messenia), and Emborio (Chios). Lang has deployed an architectural research tool termed 'Access Analysis', developed by urban theorists Hillier and Hanson, to the typical family home.[6] Movement into and through these houses is extremely basic, a simple sequent access route (Figure 1). Only the rare chief's house offers slightly more complex internal space, but this also follows a linear progression of rooms. The small scale of the normal dwellings indicates that everyday life was here carried out largely outside in communal view, in contrast to the large central rooms of the chieftain's dwellings, assumed in use for feasts and other communal activities. The majority social group of peasants clearly required no significant differentiated house spaces for their social or economic lifestyle.

The other form of Early Iron Age community can be described as more town-like. This is made up of close clusters of the previously discussed unplanned hamlets, each with their own cemeteries and presumed chiefs (*basileis*). Again there may be a communal fortification within or beside the dispersed complex. The best-known examples are Athens, Argos, Corinth, and Knossos.[7] The multiple foci are assumed to reflect settle-

[5] Snodgrass 1980, 1991; Morris 1991, 2000; Lang 1996; Mazarakis Ainian 1997.
[6] Lang 2005; Hillier and Hanson 1984; cf. Hiller 1996.
[7] Morris 1991; Snodgrass 1991.

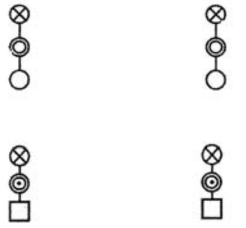

Figure 1. Access and function diagrams for typical house plans of early Iron Age Greece. The upper image shows access, the lower room arrangements. *Key*: crossed circle is the entrance, double circle is a room with two access points, empty circle is a room, dotted circle is the smallest room, empty square largest rooms (from Lang 2005).

ments of agglomerated hamlets which were chieftain-centered and thus run by a competitive oligarchy. The prevalence of weapons in the art of the later part of this era, combined with the image of *basileus* society extracted from Hesiod and Homer, points to a small warrior elite with a retinue of independent 'yeoman farmers' controlling a large body of dependent peasantry.[8]

'Dark Age' society is believed to have been dominated by strong control over peasants by chiefs and a middle-class farming group, only the latter two receiving the privilege of formal burial. The dependence on individual leaders, more 'Big Men' than hereditary aristocratic dynasties, may account for the relative mobility of the smaller of the two settlement forms described above.

Nonetheless, notably towards the end of the proto-historic era, there are occasional experiments with formal planning of such minor communities. One striking example is the site of Vroulia on Rhodes (Figure 2), which, although likely to be set out under elite direction, appears in its regimented rows of 'citizen houses' to reflect the same concepts which were underlying the contemporary rise of the larger *polis* or city-state as a corporate community of occupants.[9]

As I have discussed in detail elsewhere, the explosion of city-states across the Aegean mainland and islands between 800 and 500 BCE is an extraordinary phenomenon, yet one which has numerous cross-cultural

[8] Morris 1987; van Wees 1998.
[9] Lang 1996.

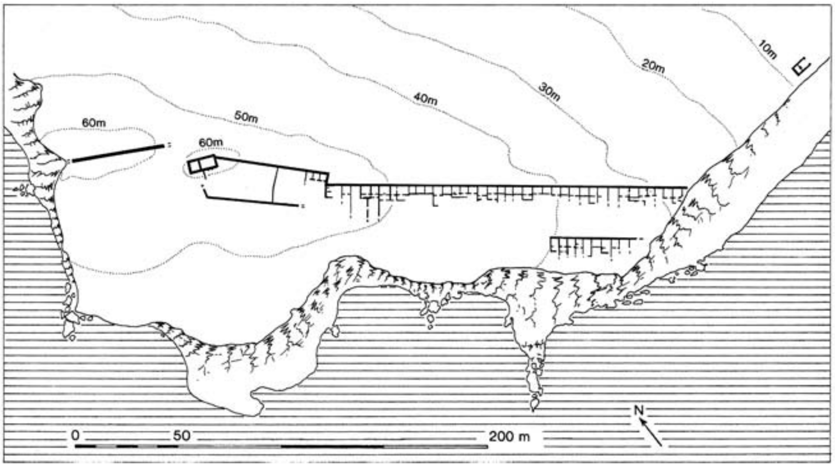

Figure 2. Plan of the final Iron Age, transitional Archaic settlement of Vroulia on Rhodes (from Whitley 2001).

parallels in other eras and regions of the world.[10] Hansen and Ruschenbusch have shown from accumulated statistics that the typical *polis* was surprisingly small, 2,000–4,000 citizens, arising as nucleated, introverted 'corporate communities' over tiny territories, in which dependent villages and farmsteads clustered around an urban focus, where generally 70 to 80 per cent of the population resided.[11]

It was the historical geographer Ernst Kirsten who first recognized that this evolution gave birth to the normal Greek *polis* as a 'village-state' (*Dorfstaat*), whilst a very small minority of city-states reached far greater population and size of dependent hinterlands, his *megalopoleis*, which were territorial states and generally included other towns in their regions or empires.[12] Notable *megalopoleis* in the Aegean were Athens and Thebes, and surprisingly we must also count Sparta. The latter is described in classical times as retaining the 'old plan' of close-placed hamlets, four in fact with one outlier, and hence represents an anachronistic survivor of our second type of Dark Age settlement plan. Yet the calculated population of this hamlet-agglomeration, up to 40,000 people, has to indicate that this formed an imperial *megalopolis*.[13]

[10] Bintliff 1999a, 1999b, 2006.
[11] Hansen 2004; Ruschenbusch 1985.
[12] Kirsten 1956; cf. Bintliff 1994.
[13] De Jong 2009.

3. *The archaic era*

The rise of the city-state out of these fragmented settlements is in part accountable through population growth, creating their fusion into single integrated settlements, but is equally due to major social change, through the decline of the elite grip on the community matched by increasing legal and political rights for all free male citizens. A case can still be made, despite prolonged critique, that the broadening of citizen rights is linked with military reforms, notably the growing centrality of hoplite warfare to the city-state.[14] In any case, the archaic era sees the generalized erosion of the power of the *basileis* in favor of the middle class, and in varying degrees towards the free peasant class. Greater rights to poorer peasants in many, but not all, city-states was a development plausibly aided by their partial replacement as labor for their superiors by slaves, used by all but the poorest free families. By classical times, perhaps half of the city-states in the Aegean had adopted some version of what we might term a 'moderate democracy', where power lay chiefly with the middle or hoplite class, but significant rights had also been gained by the free lower class.[15]

These major sociopolitical changes can be seen in material form when we return to the evidence from private house architecture and town planning. Already from final geometric and early archaic times (the eighth to seventh centuries BCE) we can see the elaboration of family homes, with expansion of the number of rooms and enclosure partly or wholly of the outside working areas, to construct a more focused, private citizen-family residence reflecting a sense of growing importance for this basic constituent of the emergent *polis*. The last phases of the settlement at Zagora on Andros exhibit this trend well, as can be seen both in its increasingly complex plan and in the more elaborate house access diagrams (Figure 3). At first such sprawling room-complexes may represent clusters of related families gaining more privacy, but over time these become simplified into the small, more coherent, radially planned regular room-groups arrayed around a private courtyard which we can later associate with the nuclear or extended citizen family.

However, the remainder, some half of Greek societies, were not to adopt democracy, remaining under aristocrats or even, rarely, under kings (in the far north of the mainland), or in a form reminiscent of, and

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[14] Snodgrass 1993; Whitley 2001.
[15] Peter Rhodes, *pers. com.*

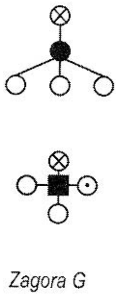


Figure 3. Access and function diagrams for more elaborate houses at Zagora on Andros, from the transitional Iron Age / Archaic period. The upper image shows access, the lower room arrangements. *Key*: crossed circle is the entrance, filled square is the largest room serving as transitional areas; empty circles are rooms, dotted circle is the smallest room (from Lang 2005).

perhaps merely perpetuating, the south Aegean Dark Age model where a large serf population is dominated by an equally large body of middle-upper class citizens. This latter model is best known from Thessaly, and from Doric states such as Sparta and the city-states of Dorian Crete. It is of great interest to see what changes in the settlement plan and then in the domestic house occur in the last-named, politically conservative, 'serf' societies from archaic into classical times, and fortunately studies are now beginning to provide answers.

Haggis *et al.* have used a detailed regional survey and excavation at the emergent *polis* of Azoria in eastern Crete, to trace the material evidence for the creation of this distinctive form of Dorian serf-state in archaic to classical Crete.[16] Firstly there is clearly a rise in population and wealth, as well as nucleation into a series of city-state centers. Rich tombs, as generally in the southern mainland of Greece, decline as prestigious objects are redirected into temple offerings, a sign of the creation of civic identity and the decline of aristocratic power in favor of a broad middling-citizen community. Yet the similarity to the trajectory towards Greek democracy is then frozen at this point of evolution. The public monumental city center, although including the customarily prominent agora and major temple, also contains complexes for the storage, preparation and communal consumption of food by the male citizen community (*sussitia*).

[16] Haggis *et al.* 2007.

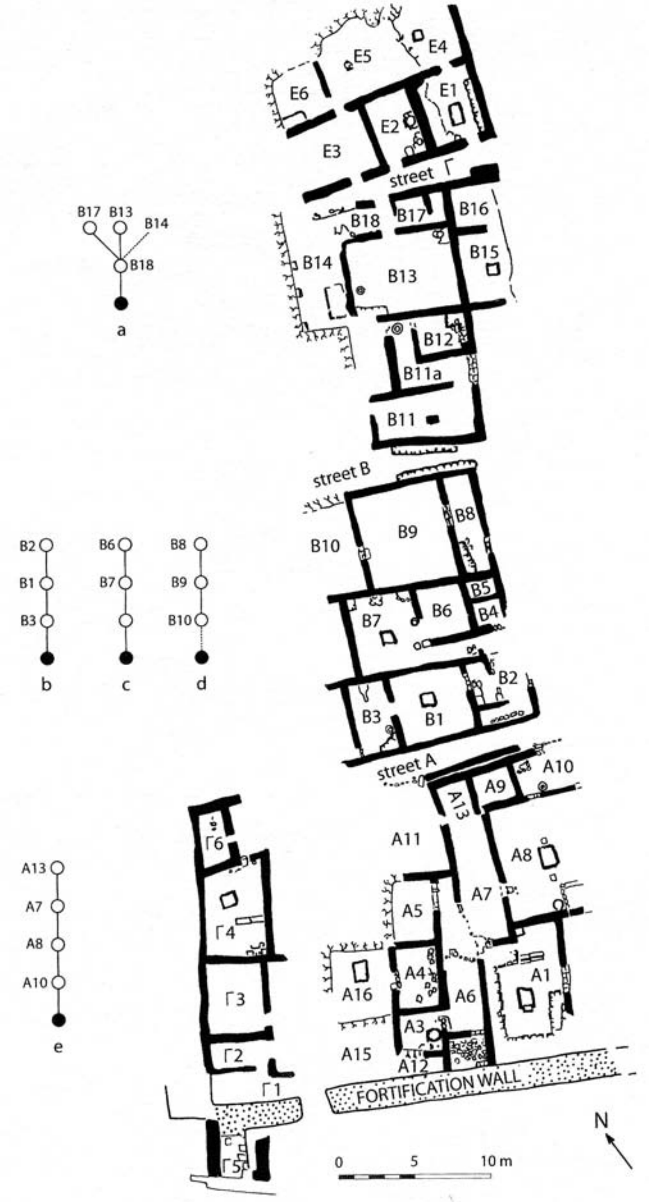


Figure 4. Typical houses at the Cretan early Hellenistic settlement of Trypetos, Crete. Outside space in the house access diagrams is shown as dark circles, while the simple linear sequence of rooms is shown as clear circles (from Westgate 2007).

At the Cretan town of Trypetos (Figure 4) early Hellenistic private homes show two significant features.[17] On the one hand, the houses are multi-roomed, continuing the trend we witnessed generally from the late Iron Age on towards elaboration of the family home. But equally notable is the fact that most houses have simple linear access, relatively open to the neighbors and the rest of the community.

If we compare the indications from Azoria and Trypetos, the growth of family prosperity at least for the citizens—but moderated by the centrality of communal life—appears well-expressed in the contemporary designs of private citizen homes. Similar evidence has been reported from another city in eastern Crete, Praisos.[18] However, the diversion of male citizen life into centralized dining complexes in the town freezes the elaboration of the domestic house after its initial unfolding into several spaces, preventing the emergence of a closed and private family focus, and marginalizing the non-adult male members of the citizenry.

Although, at one level, the rise of the *polis* citizenry is seen to stimulate an elaboration of typical domestic spaces, whether in rising democracies or in conservative serf-states, at least until the end of archaic times aristocrats were still dominant in most Greek states. Owing to the limited number of cities where extensive areas of domestic housing have been excavated, and the fact that the pre-classical levels lie buried beneath accumulations of later constructions, detecting the expected minority of elite mansions has yielded little hitherto. Nonetheless there are some examples that suit our expectations, such as archaic-era Building F discovered on the fringes of the Athenian agora (Figure 5).

4. *The classical era*

In general, by and during classical times, urban settlements in southern Greece evolve in two ways.

Older settlements simply grew, either through the infilling of former hamlet clusters, or expanding out from single cores, but organically and with poor articulation.[19] Athens was to contemporaries a notorious example of an unplanned town, except for the well-planned public spaces. These focused on a symbolic communal ritual center (the Acrop-

[17] Westgate 2007.
[18] Whitley 2001.
[19] Snodgrass 1991.

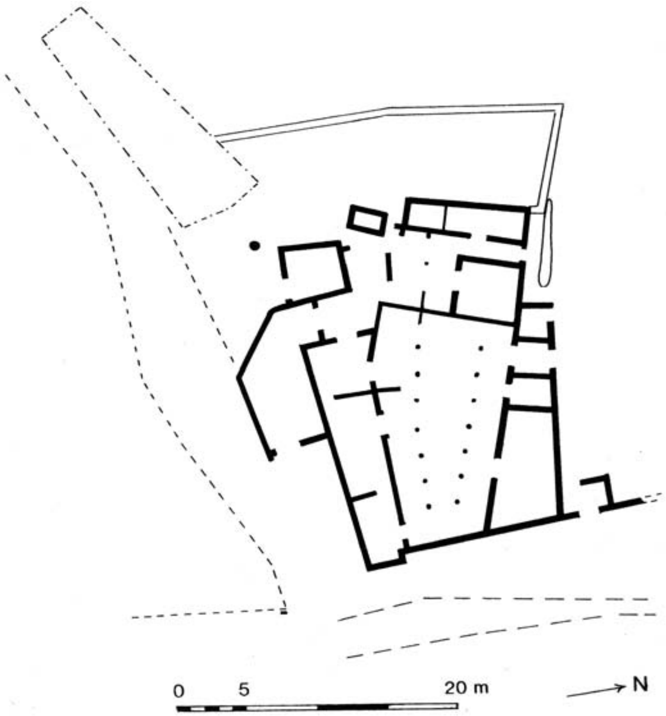


Figure 5. Archaic Mansion, Building F from the surroundings of the Athenian Agora (from Whitley 2001).

olis) and a large open space for public gatherings, enhanced commerce as well as public facilities such as parliament buildings, lawcourts, and city record offices (the agora).

For these long-established towns, we have too little house evidence to confirm our textual sources, which suggest a likely decline within the moderate to full democracies, of large elite dwellings, and a general flattening of house display both externally and internally, conforming to a principle of relative citizen equality. But the limited examples of excavated homes which we *do* have show a very widespread form, the multi-roomed courtyard house, both in the Aegean non-serf-states and in colonies abroad, which can be read as expressing this concept.[20] Some differences in known examples (Figure 6) allow us to infer distinctions, presumably based on simple relative wealth, between larger and smaller

[20] Jameson 1990a, 1990b.

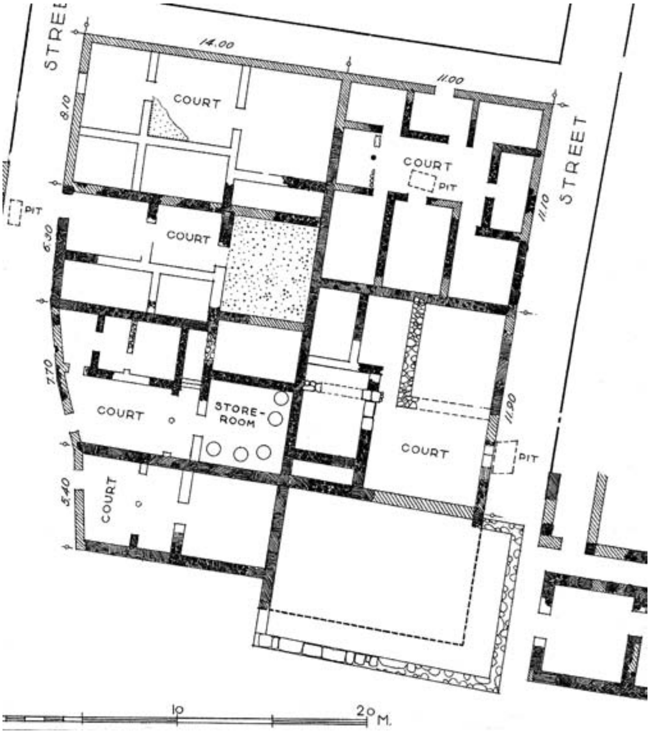


Figure 6. Classical Houses at the north foot of the Areopagus Hill, Athens. Each house is identified by its courtyard, showing variability in the size of small to medium houses (from Tsakirgis 2005).

versions of this plan, marking, we might suppose, the typical middle-class version, and the poor in its smaller stripped-down versions. Intelligent analysis by Jameson of the most typical scale of courtyard-house, some 200 to 300 square meters in size, suggests that the design was intended for a nuclear family plus children and a slave or two, anticipating that the house would pass normally to just one offspring's household.

The emphasis is on enhancement of the private citizen family: the front door shuts out the wider community, then (Figure 7) multiple room spaces are radially accessed from the focal enclosed courtyard. This open space appears as a major locale for work, ritual and familial socialization, and so for varied social and economic roles. After lengthy debates on the presence, absence, and possible location of 'female quarters', it now seems widely agreed that gender separation was merely a temporal variant when strangers entered the house, when usually women could retreat to the upper story (probably also the room shown on vase paintings as a female

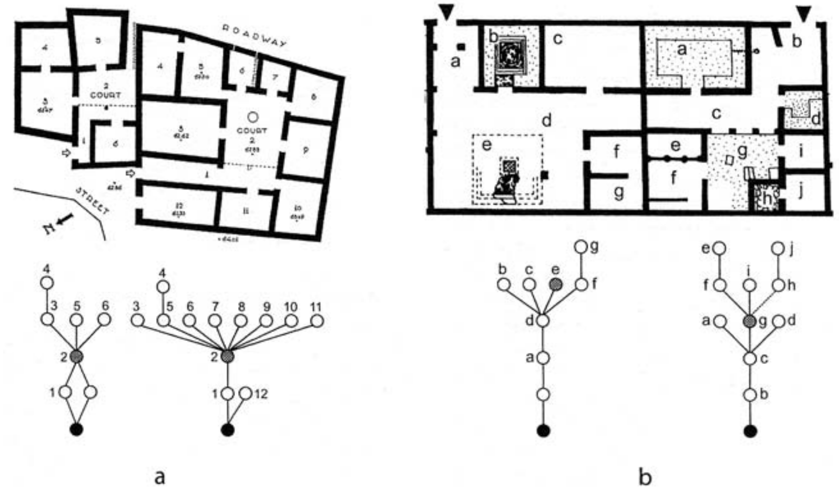


Figure 7. Fifth-century BC houses near the Agora, Athens (Houses C and D). Outside space in the house access diagrams is shown as dark circles, courtyards as grey circles, and individual roofed rooms as clear circles (from Westgate 2007).

boudoir).[21] Normally the entire walled house now seems to have become both practically, and also symbolically, a women's space, contrasted to that of the male which was the public extramural world of the Assembly, lawcourts, gymnasium etc. (thus giving the concepts of *oikos* and *polis* a firmly gendered significance).[22]

In new planned settlements, of which the best-known architecturally is Olynthus, it was possible to underline *polis* citizen-equality by the construction in perfect symmetry of apparently uniform house blocks of this single-entrance courtyard type seen as the materialization of equality.[23] Some new towns, such as the Piraeus, subordinate the planning of public spaces to the grid of blocks of domestic housing, as if the latter were now the central concept of town organization, followed in second place by good communication infrastructures in and out of town (to facilitate citizen movements to farm estates forming the town's hinterland or port facilities).

21 Nevett 1999.
22 Cf. Beard 1991.
23 Cahill 2002.

However, inscriptions show that house values range considerably for similarly sized properties, unsurprisingly affected by more or less desirable locations within the city. Moreover, texts allow us to infer that the much concealed nature of house internal arrangements could allow families of wealth and status to advertise themselves away from the public eye, through luxurious house furnishings, wall paintings, and table vessels of precious metal, thereby erecting a value-system parallel to the apparent housing equality. Nonetheless the likelihood that urban properties did not challenge democracy in a publicly blatant way is surely significant. In the same way, town-quarter analysis at Olynthus has revealed that houses with superficially similar plans could conceal contrasted economies, a fact made clearer by study of house contents (in this case differences between streets of artisans and those of the owners of larger agricultural estates).

The importance of restraint on ostentatious displays of wealth in the city-state can finally be illustrated by the lack of restrictions when we turn to more remote rural areas far from the town. In the Athenian deme of Atene near Sounion, for example, the majority of classical estate centers discovered by intensive surface survey are medium to large establishments, with just a few small 'peasant family farms'.[24] It is actually the latter which appear to form the majority in other surveys of *polis* landscapes in southern Greece.[25]

Already in late classical times the decay of community politics was associated by contemporaries (such as Demosthenes) with the urban rich constructing more prestigious town houses. Alexander's conquests led to the relatively fixed great kingdoms of Hellenistic times, causing the rapid death of the autonomous city-states and, with it, of the concept of citizen equality.

5. *The Hellenistic and early Roman eras*

The decline of the democratic city-state is symbolized by changes in the public and private sphere. Public spaces such as the agora become filled with prestigious monuments to display the growing to absolute power of the city's rich, and of external kings and princes, and the religious foci

[24] Lohmann 1993.
[25] Cf. Bintliff 1997a.

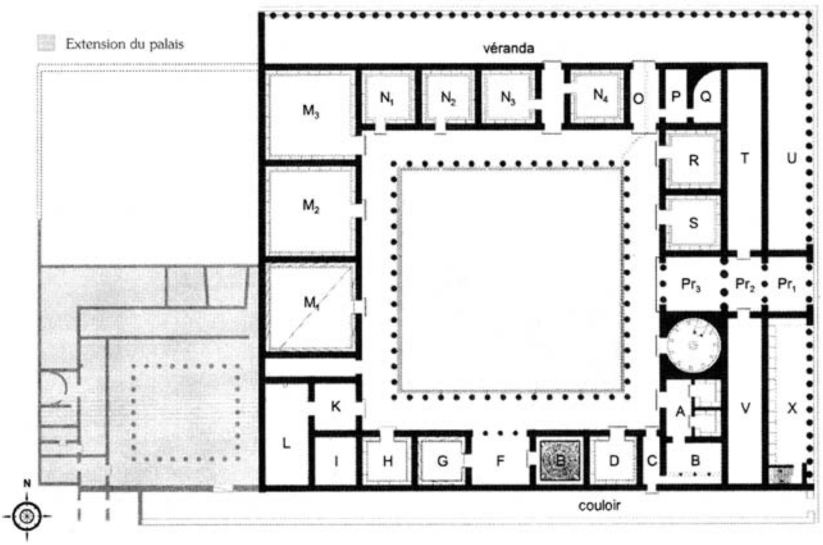


Figure 8. The palace of the kings of Macedon at Aegai-Vergina, fourth-century BC (from Étienne *et al.* 2000).

see a similar infill with such monuments.[26] Political activity is increasingly moving to giant palatial complexes at the heart of new large dynastic states, of which Alexandria's extensive palatial quarter is one of the best-known examples, reducing *polis* politics to local issues.[27] Even the palaces of the Greek dynasts are largely a series of giant reception rooms for hosting social events for the display and negotiation of power, with private accommodation and government offices relegated to the periphery of the plan. This pattern was set early in the originating kingdom for the Hellenistic world, that of Macedon, and is well illustrated by the royal palace at the old state capital of Aegai by modern Vergina (Figure 8).[28] Such elite palaces are argued to have been emulated in the new semi-public form of the homes of the better-off citizens of the Hellenistic world. Not surprisingly, early examples of these 'trickle-down' effects are found in the new Macedonian capital city of Pella, where urban mansions with multiple courts, ornamented by peristyles and mosaics, have been excavated.

The reduction of the meaningful political role for the average male citizen in the Greek city-state within the urban sphere, the *polis*, had several

[26] For these changes in Athens see Hoff and Rotroff 1997; Hurwit 1999.
[27] Empereur 1998.
[28] Étienne *et al.* 2000.

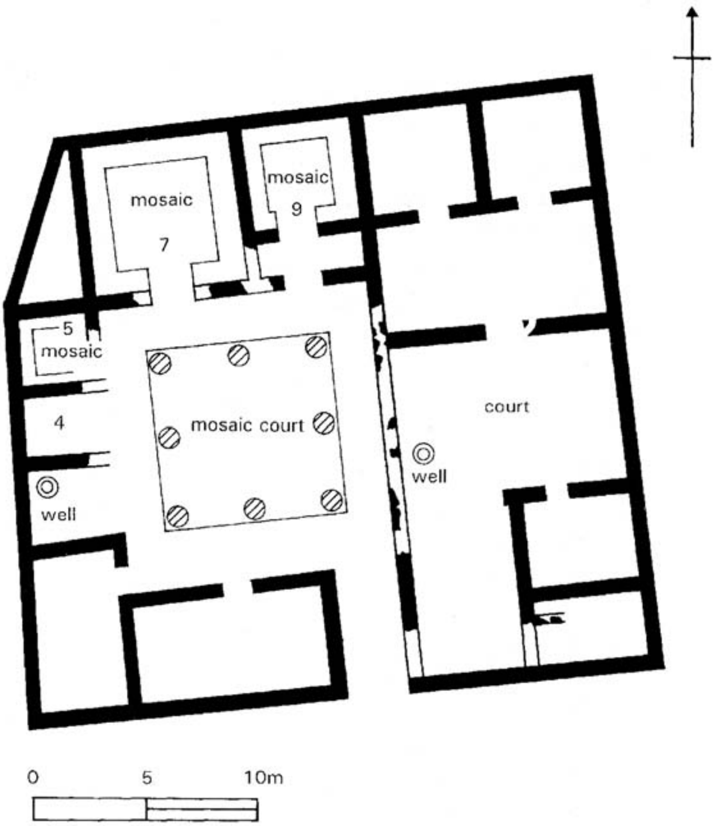


Figure 9. House of the Mosaics, Eretria, fourth-century BC (from Nevett 1999).

effects. Networking with the new powerful elites to whom local power is entrusted by the Hellenistic monarchs, and a concern with advertising and improving family status, socially and economically, converts the former closed-in world of the house—the *oikos*—to a semi-public sphere, at least for the middle to upper classes.[29] The traditional private family courtyard with its radiating rooms is supplemented or replaced by a display court with several reception rooms, often highly decorated. The fourth-century BCE House of the Mosaics at Eretria is an early example of this development (Figure 9). Peristyles around such courts can be

[29] Westgate 2000.

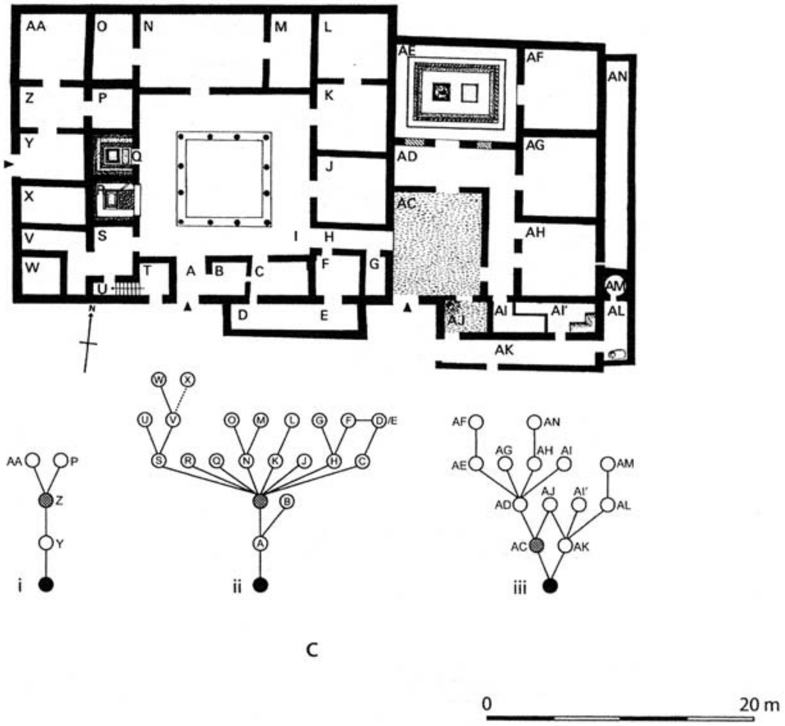
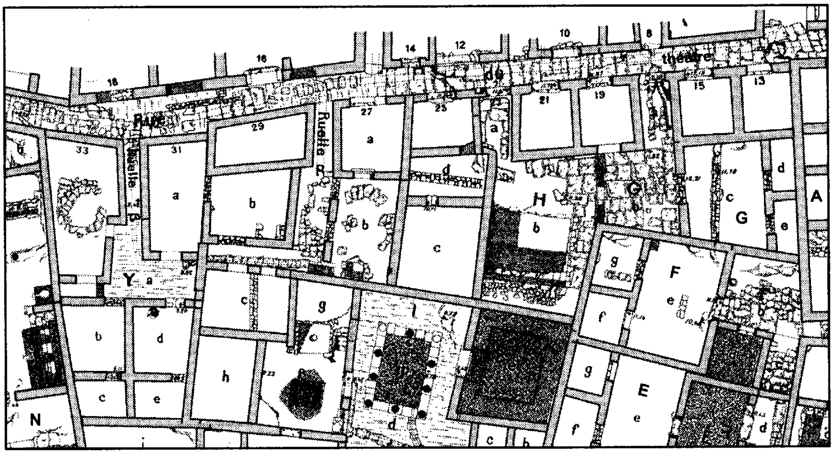


Figure 10. Late Hellenistic houses from Delos. Outside space in the house access diagrams is shown as dark circles, courtyards as grey circles, and individual roofed rooms as clear circles (from Westgate 2007).

accompanied by fountains and statuary, and these 'display courts' can even be the first complex met with from the street. The access diagrams for such homes illustrate the marginal location of their private and service rooms, requiring complex indirect pathways to reach them, compared to the directly accessible and focal semi-public visitor-reception court and dining rooms (Figure 10). This provides a direct model for Roman Republican town houses, such as are well known from Pompeii, and where smaller-scale domestic older Roman house plans embrace Hellenistic display-mansions as appropriate to rising wealth and the emulation of eastern luxurious lifestyles.[30]

[30] Wallace-Hadrill 1997; Hales 2003.



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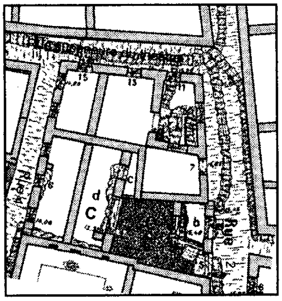

b.

Figure 11. Mixed housing of all social classes at late Hellenistic Delos (from Trümper 2005).

By the transitional era of the final two centuries BCE, between Hellenistic and Roman times, urban fabrics begin to resemble those of many early modern European towns, with many gradations along a vast cline from the hyper-rich multi-courted villas, through middle-class traditional-sized homes, then to the lower classes in small to very small apartments or tiny homes, or even dwellings above shops, but all living side by side and even in sublet sectors of elaborate house blocks. The cosmopolitan, commercial and, one might now reasonably say, 'globalized' port-town of Delos provides an excellent example of such an urban fabric (Figure 11).[31]

[31] Trümper 2005.

6. *The social Darwinian approach to the trajectory of the Greek* polis

If we were to assume a highly competitive, class-based Iron Age society in Greece, yet one where a reasonably free middle class of farmers and merchants was beginning to assert its potential power and wealth, and had always played a necessary support role to a warrior aristocracy, two scenarios seem to have opened up as the *polis* formed in the eighth to seventh centuries BCE.[32] One cemented the middle and upper classes, and neutralized any potential flexibility of the middle class in choosing alternative social partners, through fossilizing the existing relations of both classes towards its dependent peasantry: thus emerged the Dorian and Thessalian types of citizen versus serf society. The other took off from that free play, or flexibility, of roles open to the politically assertive middle-class farmers and merchants, through merging all non-slave classes born within the city-state—upper, middle, and lower—into a single citizen class, in which the former upper class became less and less significant: this is the basis for the moderate democracy which seems to have prevailed in up to half of Greek city-states by the end of the classical period. Nonetheless, only in Athens and a few other examples was complete power-sharing with the lower class instituted.

In Wilson's terms, we might argue that these revolutionary leaps in cooperation were both, but in different ways, advantageous to the city-states which adopted them: the military strength of the Spartans, the communitarian economic infrastructure of the public dining halls of Crete, can be set against the more democratic alternatives such as Athens, where men of the lowest but free birth might hold high office and grow rich through hard work.

I have previously used anthropological theory to underline the vital transition which occurs when a settlement grows larger than 500 to 600 people (Figure 12): it tends to turn in on itself and against its neighbors, on the strength of its ability to survive almost without exogamy or out-marriages; it frequently develops new forms of collaborative group behaviors, since communities larger than 150 to 200 have serious problems of social integration, it seems from limitations of our human biology.[33]

[32] Morris 1987, 2000.
[33] Bintliff 1999a, 1999b.

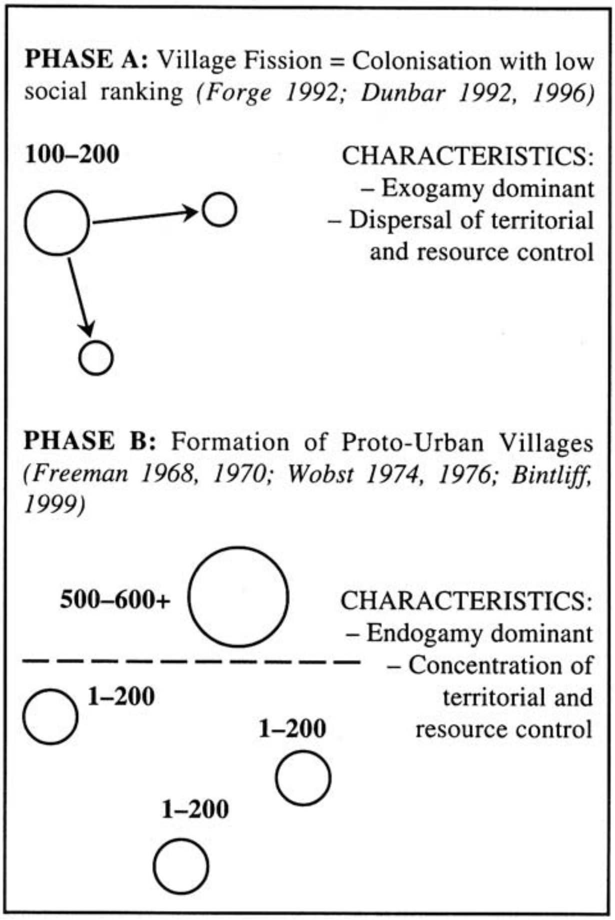

Figure 12. Transformations in sociopolitical life in autonomous nucleated communities when they shift from face-to-face levels to those of highly-endogamous corporate communities (from Bintliff 2000).

These latter, integrative, mechanisms are sometimes hierarchical, where parts of the introverted society determine the rules for the rest, and here we can think of the Dorian or Thessalian type of state, where a minority relied on a much larger subordinate community to support it economically, and militarily, without ceding a share of control over the state. Yet simple hierarchy on this mass scale is not sufficient, since the same body of theory indicates that decision-making and sociopolitical cooperation prove unstable regularly when the controlling group exceeds

a couple of hundred people. Hence the cross-cultural high frequency of Big Men, Chieftains, and Paramount Chieftains in pre-modern societies. In Sparta the potential political power of almost the entire adult male Spartiate body was theoretically in operation in the citizen Assembly, but this appears to have numbered several to as many as ten thousand. Unsurprisingly this unwieldy 'military democracy' was unevenly balanced against the more influential small caste of the hereditary double-kingship, the annually elected Ephors, and the twenty-eight member 'Gerousia' or Council of Elders. Most power seems to have lain with the unaccountable Gerousia, which appears to have been drawn from a narrow circle of wealthy families.[34]

Nonetheless, the Spartiate Assembly posed a potential threat to these smaller control groups, and indeed it has commonly been argued that the rise of the citizen hoplite army in archaic Greece was a major factor elsewhere in the decline of aristocratic power and the rise of democracy.[35] It is suggested therefore that the pillar of the Lycurgan reform central to the archaic political structure of Laconia was to embed the traditional middle or hoplite class into a unitary corporate body, whose subsistence needs were to be met by concreting the increasingly anachronistic serf-status of the lower peasant class (the helots), and delegating other economic needs such as trade and manufacturing to the free but disenfranchised class of *perioikoi*. This Spartiate class was to have its political aspirations diverted into heroic state militarism, internally supposedly to prevent a rising of the helots, and externally in aggressive expansionism. The rigid obsession with war and the deliberate suppression of individuality and of citizen-family life further served to channel hoplite energies into largely blind obedience to the small, face-to-face clique of powerful or aristocratic families who effectively controlled the state.

In the case of classical serf-states, therefore, eusociality succeeds in bringing freedom from economic labor for a large proportion of the adult males of these societies, at the same time bonding this group into an intensively commensal, cohabiting community. The advantages in the context of inter-state hoplite warfare are obvious, as the dominance of Sparta on the classical battlefield makes clear. Reproductively, the neglect of family life might have literally contributed to the terminal decline of Spartiate numbers, but perhaps more significant is the remoteness of the means of production, reducing the state's economic basis to the activities

[34] Thomas 2000.
[35] Snodgrass 1993.

of others, helots and *perioikoi*. Neither of these groups was stimulated to maximize production, and once they escaped from Spartan control in the fourth century BCE, the resources of the latter rapidly collapsed. It was also necessary to enforce obedience to a rigorous mental and physical regime for the hoplite class in Dorian serf-states, to ensure loyalty to the system and prevent insubordination to the limited wealthy or aristocratic cliques who in reality controlled these states.

In a eusocial polity containing more than 200 active male citizens, the other means of solving the rise of destructive factions is through horizontal, rather than vertical, decision-making divisions, where subgroups are balanced against each other. In terms now of the moderate democracies which become very common in classical Greece, pride of place would then appear to go to Cleisthenes, whose alternative to the Lycurgan pseudo-military democracy rested on his deployment of the more than 140 parishes or demes of Attica as constituencies represented in the genuinely democratic 500-member Athenian Senate or 'Boule'. Although this body was very influential in ordering state business, it nonetheless was counterposed against the full citizen Assembly, where in theory all adult male full Athenian citizens voted on laws and decrees (potentially 30 to 50,000 people). Since the Boule was also too large for day-to-day effectiveness, a subgroup, the *prutaneis*, of fifty Boule members rotated in office from the larger Senate to prepare its business.

This more truly participatory eusocial community of horizontal integration, like the serf-states, demands a high level of human investment from its members. In the democratic societies of classical Greece, this meant much time and effort for a high proportion of male citizens. In Athens, for example, this involved participating in the district phratry organization (which oversaw among other things qualifications for participation in the political process), and in the Athens-based political bodies and lawcourts. Since over time even the poorest citizens became eligible for such public activities, payments for service were introduced, but the majority of citizens were still farmers, and one can ask how, in the absence of helots and *perioikoi*, the economy of Athenian citizen-families was sustained.

Actually Athenians followed to a considerable extent the Spartan model in one important part of their economy: they delegated a major part of their commerce and industry to resident non-citizens, the metic class, who, like Spartan *periokoi*, were nonetheless obliged to offer military service when needed. At the same time, however, a considerable proportion

of citizens are also known to have engaged in such activities, alongside the traditional mainstay of agricultural estates.

In a characteristically iconoclastic paper, Michael Jameson drew unwelcome, for some, attention to a more fundamental convergence between Dorian serf societies and the highly participant democracy of classical Athens.[36] Whilst Spartans, Thessalians, and Dorian Cretans relied on an unfree serf-labor force of like size to its citizen population to work its agricultural estates, the Athenians found the leisure to attend the Assembly or the lawcourts, the gymnasium, and the philosophical schools, through relying on chattel-slavery on their estates, in their homes and workshops.

It remains to consider how 'advantageous' these two forms of eusociality were, to the prosperity and reproductive potential of the city-states of ancient Greece. Sparta's florescence can be roughly dated from its conquest of Messenia in the eighth to seventh centuries BCE down to its decline during the fourth, although its strict political regime may only have come into full operation in the sixth century BCE. Athens began its path to citizen democracy with Solon and then Cleisthenes, also in the sixth century, but its florescence faded by the mid fourth century BCE. The Dorian serf-states of Crete likewise arose in the archaic seventh–sixth centuries but lasted into the Hellenistic era of the third century BCE. One is looking at two to several hundred years of such peculiarly intense forms of corporate citizen life.

Eusociality in social insects arises in contingent if predictable circumstances, but primarily where a large community ('nest') surrounded by rich resources encourages communal action to defend and exploit them both.[37] Kinship can be a minor but need not be a major factor in stimulating the community to assert its special identity against other 'nest' communities. What is important is 'imprinting': when members are brought up in a highly introspective society and bound through shared social and cultural education focused on a unique enclosed 'small world'. For social insects a unique odor for example imprints a special recognition of belonging to one's nest. A division of labor in social-insect communities arises through genetic predisposition 'turned on' by contingent physical conditions. For example, the existence of a range of resources available at different times of the year as opposed to a narrow resource base makes communal rather than individual foraging behavior more likely.

[36] Jameson 1977–1978.
[37] Wilson 2008.

Applying these concepts to Greek societies, we can identify the factor of large communities and associated resources as common to both moderate democratic and serf-state options. Defending either community from other 'nests', i.e. states, requires a firm bonding within the society. As noted, this could be some half of the citizenry, the upper and middle classes, or more rarely including also the lower free class. For both, imprinting through formal citizenship rituals and training, and participation in communal politics, as well as through high levels of endogamy excluding foreigners, was essential to citizen solidarity.

If these two formations of citizens, one more limited than the other, still left out large numbers of residents in the community, we would seem to lack the degree of eusociality identified in social insects and other social species. Yet the animal parallel allows us to sidestep the issue of political rights or whether belonging in, and working for, such communities involved voluntary or forced participation in such systems. Becoming a worker rather than a queen bee does not depend on determinism, as solitary bees can join into communities and undergo such division of labor, without a predetermination as to which bee will adopt which role. Yet nonetheless no conscious decision is involved, no acquiescence over choices required. Sterile insects work without reproductive capability even if their share of the queen's genes is very slight. It is the cumulative benefit of the entire community-effort that can be claimed as the pay-off for eusociality. How might this be applied to Greek states?

If you belong to the lower class in a moderate democracy you receive protection from outside predators (other states) and hopefully protection from internal violence and loss (the rule of law), as well as a share of the foraging territory. A helot or similar status in a serf-state, or a slave status in a moderate democracy, sustains the community in a fundamental manner as a 'worker', without a real stake in resources beyond essential sustenance, though permitted to reproduce. Protection from violence is also variable, although serfs can be expected to assist the citizen army with attendant risks. The class of non-citizen merchants and manufacturers, metics in democracies and *perioikoi* in serf societies, occupies an intermediate position in terms of benefits through belonging to a Greek state. Deprivation from political participation is not relevant, as seen, to eusociality, while protection from violence and loss is provided, although military service can be demanded as well. Most interesting for this subgroup is the fact that it complements the communal role of the citizenry through its division of labor (although its work is not exclusive as some citizens also practice similar economic activities).

What caused the demise of these political systems? The simplest if not complete answer is scale. City-states tend to arise in an era of widespread, rapid demographic and economic growth, in the absence of established neighboring territorial states liable to interrupt their development.[38] The conditions of their internal success—an intense bonding between co-residential citizens within manageable distances—create tensions in the management of larger territories, and hence they work best on limited geographical scales. The Spartiates appear to have mostly lived in a large agglomeration in the heart of Laconia, relying for their support on a vast wider dependent zone, whose occupants were largely hostile to the Spartans. The Athenians expanded their power into a maritime empire, but relied on military threats and limited colonies of their own citizens (cleruchies) to hold down an increasingly hostile constellation of dependent city-states. Neither could conceptualize enfranchising their empires on all but the most minimal scale. When confronted by much larger territorial states such as Macedon and the subsequent Hellenistic kingdoms, such city-states lacked the human and economic resources to compete, and could not rely on their dependent populations.

Both forms of society contained inherent weaknesses. On the positive side, small numbers of people could sustain hundreds of independent states each with a remarkable degree of communal life, whether we look at democratic *poleis* or serf-states. Population levels in classical–early Hellenistic Greece were not to be matched subsequently until the early twentieth century CE. On the negative side, significant groups in the community gained minimal benefits apart from mere sustenance, these being slaves and serfs, as well as exploited dependent states in the Athenian Empire.

The case of the Roman Empire offers an instructive alternative pathway. By offering partial citizen rights and then full citizen rights to increasing numbers of conquered or otherwise incorporated peoples, the 'benefits' of empire did not remain with the original 'Romans' but over time spread into every province and ethnic group under Rome's sway. Small wonder that Rome in one form or another lasted from the eighth century BCE to the fifteenth century CE. Like many of the classical Greek states discussed earlier, Rome skillfully balanced retention of power by an elite of wealth and/or birth with a raft of social,

[38] Bintliff 1999a, 1999b.

political, legal, and economic advantages for members of its empire. However, and here is the vital difference, because the equivalent classes of peoples brought into the empire were allowed access to the appropriate ranks, the growth of physical empire was accompanied by equivalent growth in its committed membership. The management of the vast regions under nominal control from the central *megalopolis* of Rome was achieved by horizontal subdivision, where local government and effective connections to the Center were ensured through delegation to a massive network of cities, each of which reproduced in a fractal fashion the organization of the city of Rome in its class infrastructure, rights, and privileges.

Could one say, then, that the eusociality of Roman citizens was by far the more successful compared to archaic and classical Greek city-states? Certainly so in terms of long-term survival and reproductive success for its members. But were there other elements that emerged from the classical Greek city-state? Spartan militarism is easy to overrate. Naturally the exclusive concern with training for war gave Spartiate armies an edge over their opponents, but did not stop them being defeated on several occasions by hoplite armies of moderate democracies such as Athens and the Boeotian Confederacy. The neglect of human reproduction and of economic activities undermined the ability of the Spartans to sustain their military power. The economic backwardness and lack of cultural achievement inculcated by Dorian serf-regimes is also clearly operating in most of Crete until the system collapses in later Hellenistic times, when the island will enter a dramatic florescence that will last well into the later Roman Empire.[39]

Athens and other semi-democratic states offer a different argument. Who could deny that the achievements in art, literature, philosophy and the elaboration of political theory coincided with unparalleled demographic and economic growth? It is surely appropriate to compare classical Athens in this regard to the Italian city-states of the thirteenth–fifteenth centuries CE, whose 'Renaissance' revival of classical culture was one of their great hallmarks.[40] There again the 400–500 city-states were not capable of withstanding the resources of the territorial states which succeeded and suppressed them, the nation-state of France, and the Holy Roman Empire, except for those survivors who grew themselves into territorial states (Milan, the Papal States, Venice).

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39 Bintliff 1997b.
40 Waley 1988.

Still, cultural values aside, if we focus single-mindedly on more strictly Darwinian parameters such as population size, population health, and the stable infrastructures maintaining generalized prosperity, the early Roman Empire wins out on such measurements. Two hundred years of empirical research by ancient historians and archaeologists have served to reinforce Gibbon's positive judgment on the overall achievement for the average member of the Roman world.[41]

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41 Greene 1994, Jongman 2007.

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CHAPTER THREE

SHARED SANCTUARIES AND THE GODS OF OTHERS: ON THE MEANING OF 'COMMON' IN HERODOTUS 8.144

Irene Polinskaya

1. *Introduction*

Many modern scholars of Greek religion, myself among them, agree that behind the multiplicity of local expressions of ancient Greek religious practice stands a common language of rituals, symbols, and understanding that is both coherent and distinct among its ancient counterparts, and particularly, vis-à-vis its Mediterranean and Near Eastern neighbors. The acknowledgement of common paradigms underlying the diversity of local Greek cases does not however erase the fact of diversity, or diminish its significance. One may dispute whether a certain piece of data should be citied as a proof of the acknowledged common typology, or as an illustration of the no less tangible diversity. This chapter, in the first part, will address one such piece of data, Herodotus' definition of *to hellênikon* (8.144), and what I see as a far-reaching misunderstanding of the religious component in that definition. This component, ϑεῶν ἱδρύματά τε κοινὰ καὶ ϑυσίαι, as part of the definition of Greekness, is often taken as proof of religious unity across the Greek world. Conversely, the religious unity or common religion thus obtained is then claimed to be an underlying element of Greekness.[1] The circularity of argument is not the only problem here. Two aspects of such an interpretation must be questioned: first, how justified is the extension of meaning from 'sanctuaries and sacrifices' to religion or cult in general;[2] second, how broadly should the notion of 'common' be understood. The unique status of this Herodotean passage in the entire corpus of ancient textual evidence and the importance attached to it by scholars of ancient Greek religion justify

[1] Cf. Walbank 2002 [1951], 249: 'These are clear, unambiguous words—common blood, common tongue, common religion, and a common way of life'.

[2] Cf. Hall 1997, 35.

the close scrutiny to which we subject it here as we prepare the discussion of shared sanctuaries and gods of others in the second part of the chapter.

How we choose to understand Herodotus's meaning in 8.144 carries implications for the greater debate on the unity of Greek religion, which focuses on the interplay between panhellenic and epichoric elements. One way to test which sense of 'common' the Herodotean phrase θεῶν ἱδρύματά τε κοινὰ καὶ θυσίαι communicates is to ask how the Greeks related to shrines, festivals, and gods of other Greek communities. Did they show the same respect to them as to their own epichoric shrines? Did the same attitude obtain in Greek relations with their own shrines, shared shrines (be they panhellenic, ethnic, regional, or amphictyonic),[3] and the shrines of other Greeks?

The notion of undifferentiated and abstract 'common Greek religion,' often derived from or read into the Herodotean formulation at 8.144, would suggest that any and every Greek should have felt an equal sense of reverence and should have valued equally all religious establishments across the Greek world. The concept of 'value' will help us to articulate important nuances in the Greek attitudes to their own sanctuaries and deities vis-à-vis those of other political communities and territories. 'Valuing' in its positive sense acknowledges the worth of the other. As such, the notion of value displays an aspect of inclusivity that can serve as a binding mechanism in a community. At the same time, the attitude of 'valuing' also emphasizes differences and boundaries. Thus, 'valuing' is only a step away from 'evaluating', an exercise in exclusivity. The two aspects, or potentials, of inclusivity and exclusivity, equally present in the notion of 'valuing', make it an apt concept for the study of interplay between common and epichoric strands in ancient Greek religious practice.

2. *The 'same' and the 'common' in the Herodotean definition of* to hellênikon

In the studies of ancient Greek identity, no other piece of evidence is cited more frequently than Herodotus 8.144, which contains the definition

[3] We can also list among the types of shared sanctuaries those that Constantakopoulou 2007, 29–60 identifies as religious centers of nesiotic (island) networks, such as the Delian sanctuary of Apollo, or the Calaureian sanctuary of Poseidon.

of *to hellênikon*, variously translated as 'hellenicity', 'Greekness', or 'Greek identity':

> *to hellênikon* consists in being of the same blood and of the same language, in sharing sanctuaries and sacrifices of the gods, and in the sameness of customs.
>
> τὸ ἑλληνικὸν ἐὸν ὅμαιμόν τε καὶ ὁμόγλωσσον, καὶ θεῶν ἱδρύματά τε κοινὰ καὶ θυσίαι ἤθεά τε ὁμότροπα.

As a whole, the Herodotean definition of *to hellênikon* is now taken by most scholars as an expression of wishful thinking, an idealized vision rather than as evidence of how any of the Greek communities or individual Greeks viewed the matter in the fifth century BCE. Indeed the definition of *to hellênikon* stands alone among our ancient sources, and strongly indicates a personal and bold view of Herodotus himself,[4] rather than an opinion widely shared by contemporary Greeks.[5] The emphasis placed on the cultural elements (religious institutions and *êthea*, customary ways) in this definition seems to be the particular Herodotean contribution, but the individual ingredients included in his formulation are attested in the writings of other Classical authors.[6] While many scholars now agree that Herodotean definition of hellenicity is not a reflection of contemporary Greek consensus, the religious element of that formulation continues to be predominantly misunderstood. The religious element of *to hellênikon* is *hidrumata* (establishments = sanctuaries), physical places of worship, and *thusiai*, sacrifices, ritual actions, described as *koina*, 'common' or 'shared'. Notably, the category of gods does not figure in the formulation. In contrast to the religious element, the other three (blood, language, and customary ways) are described with compounds of *homoios*, indicating a greater degree of closeness, a virtual equation, not just an overlap as implicit in *koinos*. To appreciate or to ignore the

4 So Hall 2002, 190–191 points out that the emphasis on cultural criteria of hellenicity was the Herodotean innovative contribution to the traditional and earlier emphasis on kinship (*homaimôn* is still in the first place in the definition).

5 See Baragwanath 2008, 160–178 and 161 n. 1 for an explanation of how, in spite of the theoretical proclamation of *to hellênikon* as a motivation for certain types of action, Herodotus' narrative repeatedly demonstrates the opposite forces at work: jealousy and enmity between the Greeks. Cf. p. 175: 'even if Greek are indeed ὁμαίμονες ("sharing the same blood") in accordance with the Athenians' definition of *to hellênikon* (8.144.2), it does not follow that they will be moved by a sense of loyalty to fellow countrymen or to a more abstract notion of common identity'. Hall 2002, 190 n. 78 lists those scholars who, on the contrary, think that Herodotus 8.144 is 'the Greek definition of Hellenic identity'.

6 Cf. e.g. Plato, *Republic* 5.470e.

differences between the uses of *homoios* and *koinos* in reference to *to hellênikon* is to arrive at distinctly different models of ancient Greek religion. A comparison of some recent translations of the passage illustrates the point.

David Grene grouped blood and language together and described them as 'one', while applying the term 'common' to shrines, sacrifices and habits.[7] Rosalind Thomas and Jonathan Hall describe blood, language, shrines and sacrifices as 'common', and customs as 'similar'.[8] Thus, Grene, Thomas, and Hall do not try to match the Greek usage with the choice of English adjectives. Each translates the general sense of the passage, apparently viewing the adjectives 'one', 'common', and 'similar' as virtually synonymous. Saïd's translation is more precise,[9] as are those of Sourvinou-Inwood and Schachter, who apply the term 'same' to blood, language, and customs, and another term ('common' or 'shared') to sanctuaries and sacrifices, faithfully reflecting the Herodotean distinction in usage.[10]

Those who translate compounds of *homoios* in the same way as *koinos* imply that the two words in this context convey the same meaning and are, in effect, substitutes of one another. This would suggest that Herodotus' choice of words was not precise, that he did not intend to draw a significant distinction between blood, language, and customs, all described with compounds of *homoios*, on the one hand, and the sanctuaries and sacrifices, described as *koina*, on the other hand. There is, however, a conceptual and in fact a mathematical difference between

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[7] 'And then there is our common Greekness: we are one in blood and one in language; those shrines of the gods belong to us all in common, and the sacrifices in common, and there are our habits, bred of common upbringing' (tr. Grene 1987).

[8] Thomas 2001, 213: 'Alongside the reminders of statues and burned temples of the gods is τὸ Ἑλληνικὸν ἐὸν ὅμαιμόν τε καὶ ὁμόγλωσσον—common blood, a common language, common shrines of the gods and sacrifices, and similar customs (ἤθεά τε ὁμότροπα)'. Hall 2002, 189: 'Then again there is a matter of hellenicity (*hellênikon*) that is, our common blood (*homaimon*), common tongue (*homoglosson*), common cult places and sacrifices (*theon hidrumata* … *koina kai thusiai*), and similar customs (*ēthea* … *homotropa*)'.

[9] Saïd 2001, 275: 'Greeks are defined as a category of population "sharing the same blood (*homaimon*)," "speaking the same language" (*homoglosson*), and "having common (*koina*) shrines and sacrifices" and "the same way of life (*ethea* … *homotropa*)"'.

[10] Schachter 2000, 10: 'The fact that we are Hellenes, that is, we have the same blood and the same language, we share sanctuaries and festivals of gods, we have the same way of looking at life'. Sourvinou-Inwood 2000 [1990], 300: 'The Greeks saw themselves as part of one religious group; the fact that they had common sanctuaries and sacrifices—as well as the same language and the same blood, a perceived common ancestry, and the same way of life—was one of the defining characteristics of Greekness'.

things that are 'same' and things that are 'common'. 'Same' implies an equation between the elements of comparison, while 'common' connotes an intersection, a partial overlap.

We may note that in the altogether idealized notion of *to hellênikon*, the religious element ('common sanctuaries and sacrifices of the gods') is nevertheless the most historically realistic: it would be hard if not impossible to reconcile the Herodotean assertion of the sameness of blood, language, and customs between the Greeks of different *poleis* and *ethnê* with our archaeological, textual, and epigraphic evidence that is replete with epichoric emphasis;[11] with regard to religious practices, however, he proclaims no sameness, rather he remarks on what is only common: sanctuaries and sacrifices. So everything hangs upon our understanding of this 'common' sphere. In English, the term "common" may convey several senses: (a) a notion of abstract commonness on the level of typology, designating an entitlement of any and all carriers to whom the commonness is ascribed; (b) a concrete reference limited to specific groups or individuals involved in sharing and to specific conditions under which this sharing is possible. Which of these senses does *koinos* in Herodotus 8.144 carry? I shall discuss each possibility in turn, and argue that, in the definition of *to hellênikon*, the term *koinos* carries the concrete and narrow sense of sharing between specific parties.

In speaking of 'common Greek religion', scholars predominantly apply the first, abstract, sense of 'common'. Simon Price states that 'the religious system exemplified in the *Anabasis* was one common to all Greeks. The 10,000, drawn from numerous Greek cities, were not just an army of Greeks, they were almost a Greek *polis* on the move. Their practices and attitudes illustrate a religious system common to all Greeks'.[12] Price is referring to the typological similarity between Greek religious practices. This type of 'commonness' is obtained at the highest level of abstraction and might be also indentified as 'oppositional'–what makes all Greeks look rather similar when compared with, e.g, Persians and Egyptians. Walter Burkert also concludes that 'in spite of all emphasis on local or sectarian peculiarities, the Greeks themselves regarded the various manifestations of their religious life as essentially compatible, as a diversity of practice in devotion to the same gods, within the framework of a single world'.[13] Similarly, Sourvinou-Inwood postulates that 'the Greeks saw

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11 Hall 2002; Baragwanath 2008, 160–178; McInerney 1999, 28–35.
12 Price 1999, 3–4.
13 Burkert 1985, 8.

themselves as part of one religious group … This identity was cultically expressed in, and reinforced through, ritual activities in which the participating group was "all the Greeks" and from which foreigners were excluded, of which the most important was competing in the Olympic Games'.[14] Is the Herodotean definition of *to hellenikon* to be placed in line with such modern formulations?

Albert Schachter is the most emphatic in limiting the meaning of *koinos* in Hdt. 8.144 to specific groups and conditions: 'Herodotus does not say that the Hellenes had the same religion … The shared sanctuaries and festivals he had in mind were probably specific places and events, the great panhellenic sanctuaries and the festivals celebrated there'.[15] To test whether the characterization *koinos* in Hdt 8.1.44 should be understood in an abstract or concrete sense, we need to survey our textual and epigraphic corpus for all possible uses of *koinos* with the words designating sanctuaries, festivals, deities, and rituals.[16]

3. Koinos, -ê, -on *in descriptions of Greek religious categories*

As the textual searches in *TLG* and PHI SGI show, the instances of *koinos* used to describe religious categories are not numerous, but they are nevertheless telling. I begin with the survey of examples that refer to sanctuaries and sacrifices, as these are the categories explicitly used by Herodotus in 8.144. In Thucydides 3.57.1, the Plataeans, besieged and facing imminent obliteration at the hands of the Spartans, reason with them, saying that the spoils of the victory the Spartans might subsequently wish to dedicate to the gods would be ill-begotten: μὴ οὐκ ἀποδέξωνται ἀνδρῶν ἀγαθῶν πέρι αὐτοὺς ἀμείνους ὄντας ἀπρεπές τι ἐπιγνῶναι, οὐδὲ πρὸς <u>ἱεροῖς τοῖς κοινοῖς</u> σκῦλα ἀπὸ ἡμῶν τῶν εὐεργετῶν τῆς Ἑλλάδος ἀνατεθῆναι, 'lest men repudiate … and resent the dedication in *common temples* of spoils taken from us, the benefactors of Hellas'.[17] The references to common sanctuaries (*hiera ta koina*) and to the status of Plataeans as benefactors of Hellas in the Persian Wars

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[14] Sourvinou-Inwood 2000 [1990], 300.

[15] Schachter 2000, 2.

[16] Textual examples discussed below were identified by the *TLG* and PHI SGI searches of the combinations of Greek words designating religious categories, such as *hieron*, *naos*, *temenos*, *thusia*, *bômos*, *panēguris*, etc. in conjunction with *koinos*, *koina*, *koinon*, as well as *Hellênios*, *Hellênikos*, and *tôn Hellênôn*.

[17] Tr. Smith 1998, 101.

unambiguously point in this context to panhellenic sanctuaries where Greeks from different states made dedications and viewed those of others, passing judgements on their propriety and value.

In Isocrates, *Panegyricus* 43, a reference to truce and suspension of enmities is a clear pointer to the conditions under which panhellenic festivals were held, hence the common prayers and sacrifices (*eukhai kai thusiai koinai*) are without a doubt those conducted at panhellenic sanctuaries, and the use of *koinos* with reference to *thusiai* can be seen as an exact parallel to Herodotus 8.144:

> Now the founders of our great festivals are justly praised for handing down to us a custom by which, having proclaimed a truce and resolved our pending quarrels, we come together in one place, and, as we make our *prayers and sacrifices in common*, we are reminded of the kinship which exists among us, we are made to feel more kindly towards each other in the future, and we renew old bonds of friendship (ξενίας) and establish other new ones.
>
> τῶν τοίνυν τὰς πανηγύρεις καταστησάντων δικαίως ἐπαινουμένων ὅτι τοιοῦτον ἔθος ἡμῖν παρέδοσαν ὥστε σπεισαμένους πρὸς ἀλλήλους καὶ τὰς ἔχθρας τὰς ἐνεστηκυίας διαλυσαμένους συνελθεῖν εἰς ταὐτόν, καὶ μετὰ ταῦτ᾽ εὐχὰς καὶ θυσίας κοινὰς ποιησαμένους ἀναμνησθῆναι μὲν τῆς συγγενείας τῆς πρὸς ἀλλήλους ὑπαρχούσης, εὐμενεστέρως δ᾽ εἰς τὸν λοιπὸν χρόνον διατεθῆναι πρὸς ἡμᾶς αὐτούς, καὶ τάς τε παλαιὰς ξενίας ἀνανεώσασθαι καὶ καινὰς ἑτέρας ποιήσασθαι.

Another reference to common festivals is in Thucydides 1.25, in the context of dispute over Epidamnus. The Corinthians argue that among their reasons for going against Corcyra is the fact that the latter 'neither at the *common festival gatherings* would concede the customary privileges [to the Corinthians], nor would they begin with a representative of Corinth the initial rites at sacrifices, as other colonies did' (οὔτε γὰρ ἐν πανηγύρεσι ταῖς κοιναῖς διδόντες γέρα τὰ νομιζόμενα οὔτε Κορινθίῳ ἀνδρὶ προκαταρχόμενοι τῶν ἱερῶν ὥσπερ αἱ ἄλλαι ἀποικίαι, Thuc. 1.25.4). Exactly which common festivals are implied here is not certain, but it is clear that these are common in the narrow sense, i.e., that they bring together representatives of specific political communities, such as the Corinthians and Corcyreans, rather than being common in an abstract sense, applicable to any and all Greeks at all times.

The examples cited show that *koinos* used with religious categories of sanctuaries,[18] festivals, and rituals (prayers and sacrifices) indicates

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[18] Other examples include *Evagoras*, dated to 370–365 BCE, where Isocrates (9.15)

only the narrow sense of sharing between specific political communities at specific places and on specific occasions. Epigraphic evidence offers strong support for this observation.[19] E.g., the only shrine that is called in our epigraphic record “a common sanctuary of the Hellenes” is Delphi.[20] Gods are not mentioned in the Herodotean definition of *to hellênikon*, but in Thucydides 3.59.2 we find the phrase θεοὺς τοὺς ὁμοβωμίους καὶ κοινοὺς τῶν Ἑλλήνων ἐπιβοώμενοι, an interesting coupling of a compound of *homoios* with *koinos*, here describing the category of gods. How are we to understand it? Is this, after all, our evidence for the ‘common’ gods of the Greeks in the abstract sense of the ‘same’ gods as used by Burkert?[21] The context for this phrase is the plea of the Plataeans to the Spartans in 427 BCE, when, exhausted by a long siege of their city, they try to persuade the Spartans to spare their lives. Are the Plataeans saying: ‘our gods are the same as your gods, we are one religious group, spare us on these grounds’? The full context of the phrase helps to see that the reference is again not to abstract common Greek gods, but to specific gods who were commonly invoked by these two groups of Greeks on a specific occasion in the past: ‘Thus we, as we have a right to do and as our need impels us, beg you to grant our requests, calling upon the gods of Hellas at whose altars we all worship’, ἡμεῖς τε, ὡς πρέπον ἡμῖν καὶ ὡς ἡ χρεία προάγει, αἰτούμεθα ὑμᾶς, θεοὺς τοὺς ὁμοβωμίους καὶ κοινοὺς τῶν Ἑλλήνων ἐπιβοώμενοι, πεῖσαι τάδε. The phrase of interest to us should be translated as ‘calling upon the gods who are [honored] at the same altars and are common to Hellenes’ (my tr.), or, in the translation of Werner, ‘calling upon the gods of Hellas at whose altars we all worship’.[22]

If the gods were only called *koinoi tôn Hellênôn* in this passage, perhaps one could agree that the gods are meant in the abstract,[23] but the mention of altars—*homobômioi*—anchors the gods in a ritual setting. The gods

describes the sanctuary of Zeus Hellanios on Aigina as ἱερὸν ἐν Αἰγίνῃ … κοινὸν τῶν Ἑλλήνων. Isocrates certainly had in mind a concrete sense of sharing, but his description of this particular shrine as a ‘common sanctuary of the Hellenes’ bears further investigation.

[19] E.g., Athens, *Agora* 19, Leases L 4b, lines 17–18: κοινὸν τοῦτο τὸ τέμενος τῶν γένων ἀμφοτέρων; *IG* IX.1[2] 2:583, lines 15–16: κοινοῦ γενομένου τοῦ ἱεροῦ τοῦ Ἀπόλλωνος τοῦ Ακτίου, lines 23–24: κ̣ο[ινὸν] εἶμεν τὸ ἱερὸν τῶν Ἀκαρνάνων.

[20] See, e.g., *IG* II[2] 680: τὸ τοῦ Ἀπόλλωνος ἱερὸν τὸ κοινὸν τῶν Ἑλλήνων. For literary usage see, e.g., n. 18.

[21] See n. 13.

[22] Werner 1972, 229.

[23] Versnel 2000, 125 n. 117 and 127–129.

who were honored at the same altars were those addressed on the specific occasion when the fathers of contemporary Spartans and Plataeans had taken their oaths and together brought sacrifices on the same altar. Normally, *homobômios* in describing gods refers to deities for each of whom sacrifices were performed on the same altar, as Demeter and Core are sometimes called.[24] But in our context, the modification *tôn Hellênôn* makes it clear that a transposition of meaning took place: the altars are the same not because two or more gods get to use them, but because different groups of worshippers honor the same god(s) at the same altars at the same time. In other words, those gods are common to the Greeks, at whose altars they sacrifice together, and this was particularly the case at shared sanctuaries.

Indeed, further support of this notion, i.e., that only the gods of shared sanctuaries were truly appreciated as common to all Greeks (e.g., at panhellenic festivals) or common to specific inter-*polis* groups of Greeks (e.g., at amphictyonic shrines, such as Calaureia, or ethnic shrines, such as Panionion),[25] is to be found in Herodotus' account of dedications made by the Greeks from the spoils of their victories against the Persians.[26] In Herodotus 8.121–123, after the naval victory at Salamis, all Greeks who participated in the battle together set aside gifts for the gods at Isthmia and Delphi. The choice to honor with first fruits also the local deities of the Saronic Gulf—Poseidon at Sunium and Ajax of Salamis—may suggest the equal relevance of these local deities to the entire Greek fleet, but the next paragraph, 8.122, makes it clear that the choice of local deities reflects specifically Athenian parochial interests: the Athenian leadership of the fleet and their position of leadership meant that they chose to honor the local deities that were of particular significance to them.

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[24] E.g., in *IG* II^2 4355.

[25] Additional examples: *IG* IX.1^2 2:583 refers to a common sanctuary (*koinon hieron*) of the Acarnanians; *IG* IX.1^2 1: 69 refers to a common altar (*koinos bômos*) of the Aetolians, dedicated to Apollo Thermios.

[26] After the battle of Plataea, the Greeks made common dedications again: 'So they brought all the booty together and drew out a tenth, which they assigned to the god at Delphi. It was from this source that the gold tripod was made and dedicated that sits on the bronze three-headed serpent and is nearest to the altar; for the god of Olympia also they took out another one tenth and from this dedicated the ten-cubits Zeus made of bronze; and another tenth for the god of the Isthmus, from which was made the seven-cubit bronze Poseidon' (Hdt. 9.81).

Another telling detail in the Herodotean account (Hdt. 8.122) is that although the god of Delphi is a patron of all Greeks, he has a separate relationship with each Greek community. It was not enough for the Delphic Apollo to receive gifts from the Greeks in common (κοινῇ). He required an additional separate gift from the Aeginetans who had played the main part and reaped the greatest measure of glory in the victory at Salamis. This particular case is almost ironic: the Greeks make a unified gesture by offering common dedications to the Delphic Apollo, and the god still sees not the forest, but individual trees.

In Pindar's *Paean* 6.63, a sacrifice on behalf of Panhellas is performed at the Delphic Theoxenia.[27] It was a festival that was attended by representatives of different Greek communities, and where participants indeed constituted one common religious group. Thus, in those specific ritual contexts and on those specific ritual occasions when Greeks from various *poleis* came together to celebrate a festival as a group, those *thusiai* and *hiera* were truly common to them, common to all participants in that group. The comparative evidence strongly indicates that we ought to allow that Herodotus' choice of the adjective *koinos* in 8.144 was deliberate, and that it was applied in a concrete narrow sense: referring specifically to shared shrines and sacrifices, the only settings that brought Greeks from different ethnic and political communities together as one religious group, not to any and all Greek sanctuaries wherever they may be found.

As the epigraphic and literary usage of *koinos* in conjunction with religious terminology shows, the sphere where Greeks interacted as one religious group was limited in time and space. Besides the so-called panhellenic religious centers and other types of shared sanctuaries, special ritual circumstances (e.g., the swearing of a common oath by several Greek communities) were necessary to justify a joint religious action. In other circumstances, even if Greeks from different states and regions found themselves in a mixed group outside the recognized panhellenic centers and wished to celebrate a festival, they broke down into their respective political and ethnic components. E.g., the Greek mercenaries in Xenophon's army (*An.* 5.5.5), who came from different parts of Greece and by virtue of circumstances were thrown together in one military group, did not lose a sense of their different religious affiliations

[27] Some of the latest discussions of the Delphic Theoxenia: Kowalzig 2007, 188–201; Currie 2005, 302; Rutherford 2001, 310–315.

and celebrated separate festivals according to their ethnic divisions: 'Here they halted for forty-five days, during which they first of all sacrificed to the gods and instituted processions, each set of the Hellenes according to their tribes (*kata ethnos*), with gymnastic contests.' Price's conclusion that the Greek army of *Anabasis* constituted one religious group can be turned around to argue the opposite.[28] Similarly, at another event, inaugurating the foundation of Megalopolis, each group of the Greeks participating in the celebration offered a sacrifice to their own epichoric gods, not to some common abstract deity of all Greeks.[29]

Finally, we should consider whether the case of the Hellenion in Naucratis offers evidence for a Greek perception of their religious unity. Several scholars have recently argued that the Hellenion at Naucratis should be seen as a panhellenic religious center.[30] This case requires careful analysis. The only evidence that without a doubt refers to the Hellenion is the account of Herodotus 2.178. A group of graffiti unearthed in the excavations and the architectural remains in the place where the graffiti were found have been attributed to the Hellenion, but neither their relevance to the Hellenion nor their exact meaning can be determined with any finality.[31]

According to Herodotus 2.178, the Hellenion was a *temenos*, a sacred enclosure. He provides us with no details of its internal structure. Whether there were temple(s), altars, treasuries, or any other cult installations, we do not know. The structure that is tentatively identified by the archaeologists as the Hellenion contains the remains of multiple chambers, perhaps suitable for dining, but no evidence of temples or even altars.[32] The

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[28] Price 1999, 3–4: 'Everyone knew who Zeus the Savior was and what a proper sacrifice was. Only after celebrating communal sacrifice did the army sometimes celebrate processions and athletic competitions in separate regional groups (5.5.5).'

[29] Pausanias 4.27.6: 'When all was in readiness, victims being provided by the Arcadians, Epaminondas himself and the Thebans then sacrificed to Dionysus and Apollo Ismenius in the accustomed manner, the Argives to Argive Hera and Nemean Zeus, the Messenians to Zeus of Ithome and the Dioscuri, and their priests to the Great Goddesses and Caucon. And together they summoned heroes to return and dwell with them, first Messene, the daughter of Triopas, after her Eurytus, Aphareus and his children, and of the sons of Heracles Cresphontes and Aepytus. But the loudest summons from all alike was to Aristomenes.'

[30] Lloyd 1988, 224; Malkin 2003. Höckmann and Möller 2006, 17 correct Malkin's definition, calling the Hellenion not a panhellenic but a Hellenic sanctuary, a significant nuance.

[31] Möller 2000, 105; Bowden 1996, 18–28.

[32] Höckmann and Möller 2006, 12–13 and 18–19.

latter, of course, could have been portable, or simply located in the part of the building that has not been accessed in the excavations. It is also possible, however, that the structure in question was not the Hellenion at all. The main indication that the structure was used for cultic purposes is the presence of numerous potsherds with inscribed dedications to various deities: Dioscuri, Apollo, Heracles, Artemis, and Poseidon, as well as, possibly, but not certainly, to 'the gods of the Greeks'. Among the ethnics on the sherds found in the presumed Hellenion are a Mytilenian and a Rhodian, whose native cities Herodotus listed among the founders of the Hellenion. At the center of the debate is the group of graffiti that is said to carry dedications to 'the gods of the Greeks'.[33] The main questions that concern us are the cultic meaning of such a dedicatory formula, and whether such dedications can serve as evidence for Greeks acting as one religious group worshipping undifferentiated and general common Greek gods. First of all, however, we need to discuss whether the formula 'the gods of the Greeks' is in fact attested.

Out of the twenty-seven graffiti listed by Möller as referring to 'the gods of the Greeks',[34] only two (Höckmann and Möller 2006, Appendix, nos. 3 and 23) possibly have the words *theoi* and *Hellênes* coupled together, and in two more cases, the coupling might be suggested by the preserved article *tois* before the beginning of the word *Hellênes* (Höckmann and Möller 2006, Appendix, nos. 1 and 2). Each of these four graffiti individually could be restored differently than 'the gods of the Greeks'. The latter restoration is suggested only on the basis of cumulative fragmentary finds: many fragments show the word *Hellênes* in the genitive plural form, and also many others show the word *theos* in the dative plural, and twice in genitive plural. By putting the two groups of fragments together, the formula 'the gods of the Greeks' is obtained and then recommended as a restoration for all fragments.

We may do well to begin with the meaning of the ethnic *Hellênes* that certainly appears in these graffiti. Does it refer to any and all Hellenes everywhere? It would if Naucratis was a panhellenic religious center on par with Delphi or Olympia, but apparently it was not.[35] Herodotus tells us that none of the Greek sanctuaries at Naucratis accommodated any and all Greeks: the Hellenion was apparently limited to the use of its nine founding members to the exclusion of others. These others

[33] This led Hogarth *et al.* 1898–1899, 44 to identify the shrine as the Hellenion.
[34] Höckmann and Möller 2006, 19.
[35] Höckmann and Möller 2006, 18; Bowden 1996, 24.

(Samos, Miletus, and Aegina) established their own sanctuaries that were in turn presumably accessible only to them. The organization of the Hellenion seems typical of a general pattern. Herodotus mentions two other sanctuaries that operated according to the same principle: the Panionion, founded by the twelve Ionian cities who agreed not admit any other Ionians to it (Hdt. 1.143) and the sanctuary of Apollo Triopius founded by the Dorian Pentapolis, formerly Hexapolis (Hdt. 1.144), that excluded all non-founding members even if they were Dorian. The emphasis that Herodotus makes in all three accounts is on the fact that in spite of the ethnic principle of cooperation between cities in the enterprise of founding a common sanctuary, the membership and access did not extend to their ethnic groups as a whole; rather, the membership remained concrete, and temporally–spatially bound: it was a common sanctuary of only those of the Ionians, or Dorians, or Hellenes, who had happened to be involved in its foundation, not of all other representatives of their respective ethnic groups, wherever they may be. Thus, the Hellenion of Naucratis, in spite of its name that might suggest a universal applicability and access for all Hellenes, was not at all panhellenic. The limited meaning of 'Hellenes' in this context should give us a pause and lead to a cautious treatment of the possible sense of the dedicatory formula addressed to the 'gods of the Hellenes', if it is attested at all.

If the Hellenion did not invariably accommodate any and all Greeks, why was the name 'Hellenion' chosen for the precinct? Two alternative explanations are possible. One of them refers to the aggregative mechanism of articulating identity—Hellenes was the only appropriate umbrella-term that could jointly describe representative communities of three ethnic groups: Ionian, Dorian, and Aeolian.[36] The other explanation invokes the oppositional mechanism, attributing to the Egyptian pharaohs the initiative for the establishment or reorganization, and also for the naming, of the sanctuary of Greek foreigners (in contradistinction from Egyptians, and possible other foreigners such as Phoenicians).[37] Herodotus' narrative that lists the members of the Hellenion in an almost aetiological manner rather suggests the first option.

Due to the organizational peculiarity, namely that the Hellenion was limited to its founding members and other Greeks were apparently excluded, it is quite possible that, in the local Greek usage at Naucratis,

[36] Höckmann and Möller 2006, 17 with reference to a paper of D. Demetriou.
[37] Malkin 2003, 93.

'Hellenes' acquired a specialized and contextualized meaning, referring specifically to the representatives of those cities that had founded and participated in the Hellenion. We may propose then that the Hellenes of the graffiti are specifically the Hellenes of the Hellenion, rather than all Hellenes of Naucratis, or all Hellenes everywhere. The genitive plural form of the etnic *Hellênes* in graffiti could therefore be an indicator of ownership, referring to the pots on which the inscription was made, *tôn Hellênôn*, 'the property of the Hellenes' who gathered and feasted at the Hellenion, and not necessarily part of a dedication formula *tois theois tôn Hellênôn*. If the genitive plural was, however, part of the alleged formula 'the gods of the Hellenes', it seems to me that we would have to consider that the gods so addressed were not some abstract 'Greek gods' but the patrons of the city-members of the Hellenion worshipped in that *temenos*. Such a formula would however be very hard to interpret in cultic terms. It would certainly be unique in our entire corpus of evidence on Greek religion. The attested formulae, both in literary and epigraphic texts, mention *pantes theoi kai pasai*, simply *theoi*, or *theos*.[38] Here we need to envision how the Hellenion might have been organized in cultic terms.

Because it was a *temenos* shared by nine different communities, it is likely that each community would have established altars to their own gods within the *temenos* and conducted rituals in separate groupings, just as the representatives of different *ethnê* in Xenophon's army (*An.* 5.5.5) broke down into their respective ethnic groupings to sacrifice to the gods and conduct processions on their march in Paphlagonia. At the same time, votive dedications to 'the gods of the Greeks' could appear only if there was a cult (a ritual, or a festival) dedicated to such a group. Is it conceivable that the member-cities of the Hellenion established a common feast in honor of their patron deities? Or was the formulation driven by the need to draw a distinction between the deities addressed by other Greek traders who were not allowed in the Hellenion?

The separate status of the Hellenion, in practical and cultic terms, as suggested by Herodotus could only be indicative of a fierce local competition among the Greeks. Notably, the three cities that built separate sanctuaries at Naucratis were the three main trading powers of the archaic period, the 'major league' players: Aegina, Samos, and Miletus. The member-cities of the Hellenion were of the lower rank, and that is

[38] Versnel 2000, 127.

why they could counter the influence of the 'major league' players only by means of a joint action. It is also likely that underlying the construction of the Hellenion was a pragmatic matter of resources: the smaller trading cities had to band together to build a sacred precinct, while Samos, Miletus, and Aegina could each afford their own sanctuaries. To conclude, we may reiterate that if the formula 'the gods of the Greeks' were to be ascertained beyond any doubt at Naucratis by the find of a complete graffito, the best explanation for its existence would be to attribute it to the gods limited to and concerned with the patronage of a specific group of nine Greek cities who shared a *temenos* in Naucratis called 'Hellenion'.

4. *'Same' gods,* enkhōrioi theoi*, and the gods of other Greeks*

It is certainly true that individual cities and their representatives could make dedications not only at shared sanctuaries but also at shrines in the territories of other Greek states,[39] but we should not automatically assume that on those occasions Greeks felt that they were approaching the 'common Greek gods', or the same gods as, say, those in their home states. They were indeed approaching Greek gods, or gods of the Greeks, but these were gods of *other* Greeks, not their own, nor the common ones. Having discussed what the notion of 'commonness' stood for, in ancient Greek textual sources, with regard to sanctuaries, festivals, and gods, we need to inspect an example (Herodotus 5.92–93) that has been interpreted as providing evidence that 'the gods who were worshipped in the different *poleis* were, of course, perceived to be the same gods'.[40] In that episode, Socles, a Corinthian, tells the story of the atrocities conducted by the tyrant Periander in order to convince Spartans not to bring back the tyrant Hippias to Athens. Socles says:

> We call upon *the Greek gods* as our witnesses when we beg you not to set up princedoms within the cities ... Hippias answered him [Socles] invoking *the very same gods* against him: Verily, he said, the Corinthians more than

[39] The Athenians after the victory of Phormion over the Peloponnesian fleet in the summer of 429/428 dedicated a ship to Poseidon at Rhium in the Corinthian Gulf (Thuc. 2.84); and Brasidas, after pursuing the Athenians at Lecythus after the capture of Amphipolis, 'considering that the capture [of Lecythus] was due to divine help rather than human means, gave thirty minae to the goddess [Athena who had a temple in Lecythus] for her temple, dismantled the fortifications at Lecythus, cleared all the ground, and consecrated it all to the goddess (Thuc. 4.116)'.

[40] Sourvinou-Inwood 2000 [1990], 300. Cf. also Burkert's formulation, n. 13.

> any other people will yet long for the Pisistratids when their appointed days are accomplished and they are sorely vexed by the Athenians ... That was the answer of Hippias, for he knew the oracles more accurately than any other man.[41]
>
> Ἐπιμαρτυρόμεθά τε ἐπικαλεόμενοι ὑμῖν θεοὺς τοὺς Ἑλληνίους μὴ κατιστάναι τυραννίδας ἐς τὰς πόλις. οὔκων παύσεσθε ἀλλὰ πειρήσεσθε παρὰ τὸ δίκαιον κατάγοντες Ἱππίην; Ἴστε ὑμῖν Κορινθίους γε οὐ συναινέοντας. Σωκλέης μὲν ἀπὸ Κορίνθου πρεσβεύων ἔλεξε τάδε, Ἱππίης δὲ αὐτὸν ἀμείβετο τοὺς αὐτοὺς θεοὺς ἐπικαλέσας ἐκείνῳ, ἦ μὲν Κορινθίους μάλιστα πάντων ἐπιποθήσειν Πεισιστρατίδας, ὅταν σφι ἥκωσι ἡμέραι αἱ κύριαι ἀνιᾶσθαι ὑπ᾽ Ἀθηναίων. Ἱππίης μὲν τούτοισι ἀμείψατο οἷά τε τοὺς χρησμοὺς ἀτρεκέστατα ἀνδρῶν ἐξεπιστάμενος·

Of interest to us is the fact that first Socles calls upon the *Hellênioi theoi* to witness his statement, and then Hippias calls on the *same gods* to support his competing claim. Which gods are the two parties referring to?

Sourvinou-Inwood takes *Hellênioi theoi* in this context to mean 'any Greek gods', gods in general. If this were so, it seems to me that Herodotus would not have needed to use the characterization *Hellênioi* at all, since the council took place among the Greeks, and no barbarians were present. I believe that here, as in the other cases we considered earlier, the gods relevant to all Greeks as a group are not 'any and all', but specifically the gods of panhellenic sanctuaries. *Hellênioi theoi* here is likely short for *koinoi theoi tôn Hellênôn*, 'common gods of the Greeks', as in Thucydides 3.59.2 discussed earlier.[42] Secondly, if Socles had used the expression *Hellênioi theoi* in his invocation meaning any Greek gods, Hippias could not swear by the very same ones. There would be a clash between the general and the specific. Herodotus would have had to say instead that Hippias *also* swore by the Greek gods. A reference to the same gods makes sense only if specific gods were named in the original invocation, and were then repeated by Hippias. Since the gods named must have been specific, the designation *Hellēnioi* in describing them can only indicate in this context the gods of panhellenic sanctuaries.

[41] Tr. Greene 1987.

[42] Kowalzig 2007, 206 argues that in Herodotus the phrase *Hellênioi theoi* has a differently accentuated, but nevertheless specifically narrow, meaning: 'Herodotus maintains that Phthiotis was the area from which the Dorians first set out, calling them, somewhat disconcertingly, τὸ Ἡλληνικὸν ἔθνος (as opposed to the Ionians, τὸ Πελασγικὸν ἔθνος); he then continues to refer to "Hellenioi theoi" only in Spartan contexts as if to forge a link between whoever it was who came from Thessalian Phthiotis and the Dorians as a whole.'

More specifically, perhaps the reference is to Apollo and Delphi since, after Hippias' invocation of the same gods, Herodotus follows up with a conclusion that Hippias knew oracles better than any other man. We may infer that once again the reference is to the panhellenic oracular authority, a concrete shrine and deity, not to some unspecified abstract Greek gods.[43]

Elsewhere Herodotus uses an expression *Hellênikoi theoi*, as, e.g., in 1.90 (ταῦτά τε ἐπειρωτᾶν καὶ εἰ ἀχαρίστοισι νόμος εἶναι τοῖσι Ἑλληνικοῖσι θεοῖσι), when Croesus bids his messengers to ask whether it was a custom for Greek gods to be ungrateful. The adjective *Hellenikoi* is clearly used here in an oppositional sense: Greek versus non-Greek. In all other instances as well where *Hellênikos* is used—e.g. with Greek *nomoi* (customs) contrasted to 'Egyptian' (2.91) or 'Scythian' (4.76), Greek remedies (3.130) contrasted to Persian, Greek weapons (7.91) in comparison with Pamphylian—the term is always used in this oppositional sense.

We may conclude, I believe, that the weight of the evidence is against the interpretation of *Hellênioi* and *Hellênikoi* in descriptions of religious categories as indicating a common Greek reverence for an undifferentiated and abstract group comprised of any and all Greek deities. Rather, the two adjectives when used with reference to inter-state interactions always imply specific and widely recognized shared cult centers, or are used in contrastive manner to differentiate between Greek and non-Greek religious categories. We need to stress that all these expressions, that is, *koinoi hoi theoi tôn Hellênôn*, *Hellênioi theoi, Hellênikoi theoi*, appear only in literary sources. Apart from the uncertain case of the Hellenion at Naucratis, the notion of the 'Greek gods', or 'gods of the Greeks', does not appear in cultic contexts documented in epigraphy.

Besides the suggested concrete and narrow sense implied in *koinos* in conjunction with religious phenomena, there is more explicit evidence that militates against the generalized abstract sense of 'common'. This is

[43] Appeals made side by side in one speech to *theoi*, *theos*, and some named deity (e.g., Zeus or Apollo) are quite common, see Versnel 2000, 117–129. The only other instance of the use of the expression *Hellēnioi theoi*, at least as far as I was able to find, is of the Roman period, in Claudius Aelianus *Varia historia* 6.1, but there *Hellēnioi theoi* are explicitly so called in contrast to barbarians: Σικυώνιοι δὲ Πελλήνην ἑλόντες τάς τε γυναῖκας τῶν Πελληνέων καὶ τὰς θυγατέρας ἐπ᾽ οἰκήματος ἔστησαν. ἀγριώτατα ταῦτα, ὦ θεοὶ Ἑλλήνιοι, καὶ οὐδὲ ἐν βαρβάροις καλὰ κατά γε τὴν ἐμὴν μνείαν. Ἐπεὶ τὴν ἐν Χαιρωνείᾳ μάχην ἐνίκησεν ὁ Φίλιππος, ἐπὶ τῷ πραχθέντι αὐτός τε ἦρτο καὶ οἱ Μακεδόνες πάντες. οἱ δὲ Ἕλληνες δεινῶς αὐτὸν κατέπτηξαν, καὶ ἑαυτοὺς κατὰ πόλεις ἐνεχείρισαν αὐτῷ φέροντες.

the evidence that pertains to the rights of visiting Greeks in the territories of other Greek states: a general prohibition on *xenoi*'s access to epichoric shrines. The most famous example is that of the Spartan Cleomenes trying to enter the religious center of the Athenian acropolis and being told to turn back because Dorians could not be admitted (Hdt. 5.72). Epigraphic evidence, although admittedly represented only by two locations, seems to reflect a similar concern:[44] e.g., on Paros a foreigner, a Dorian *xenos*, is prohibited from entering the shrine of Core, on par with slaves, which would seem to imply the exclusive accessibility of the shrine to any freeborn non-Dorian: (*IG* XII.5 225[1]: ξε(ί)νωι Δωριῆι οὐ θέμι[ς] | οὔ[τ]ε δ[ο(ύ)λ]ωι· ἀκο(ύ)ρηι ἀστῶι ἔ[στι]). Whether limitations of access were based on ethnicity, citizen or freeborn status, there would have been a diversity of local combinations of them regulating each shrine and probably sometimes announced by means of inscriptions. Still, the fact that foreigners were not welcome at epichoric shrines is clear from Thuc. 4.97.2 (further discussion below).

If the Greeks were simply one undifferentiated religious group, and all Greek gods were common to all Greeks, there would have been no religious *xenoi* in Greece. Sourvinou-Inwood therefore postulated two spheres of religious existence in the Greek world: the dimension of *polis* and the panhellenic dimension.[45] She argued that it is in virtue of their involvement in the latter that the Greeks could be counted as one religious group. We may expect that a correlative of the postulated membership of such a common religious group would be a sense of affinity and respect that the members of different Greek *poleis* and *ethnê* would feel and exercise with regard to each other's religious customs, sanctuaries, and gods. This is the question that remains to be investigated in the second half of this essay: did ancient Greek states and their representatives, by virtue of their purported membership in a common religious group, respect one another as religious entities; did they value the gods and religious establishments of other Greeks?

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44 Paros—*IG* XII.5 225[2]: χσένωι Δωριῆι οὐ θέμι[ς ἐσορᾶν] | οὔτε δ[όλ]ωι, ἃ Κόρηι Ἀστῶι ἔ[ρδεται]. *ID* 68 (= *LSS* 49), Delos, fifth century BCE: ξένωι οὐχ ὁσίη ἐσι⟦έναι.⟧

45 Sourvinou-Inwood's model has to be modified to accommodate a variety of other socio-political structures attested in the Greek world besides the polis, most notably *ethnê*: see Morgan 2003.

5. *'Valuing' in Greek Religion: the gods of other Greeks are (not) my gods?*

It is mostly agreed, with some exceptions that I have discussed in the first half of this chapter, that in practical life, whether the Greeks approached their gods state by state, or at shared sanctuaries, they appealed to the gods who were not abstract, but specific gods of specific places. Only in myths and poetry did ancient Greeks encounter abstract gods, gods equally relevant to all of them at once. In cultic terms, however, ancient Greeks viewed sanctuaries, festivals, and gods in only three possible ways: as their own, those of other Greeks, and those to whom they and other Greeks had equal access, i.e., shared religious establishments of various status (regional, federal, ethnic, panhellenic, etc.). In other words, the determining criterion was ownership. Gods of real life could not be abstract, free agents: they were tied to specific locations and specific communities. The gods of your land were your gods and were expected to act on your behalf; the gods of your neighbors, close or distant, were their gods, and hence at best indifferent to you, at worst, unfriendly; the gods of common sanctuaries were theoretically even-handed, but in practice still liable to take sides, as the case of Delphi repeatedly showed.

The fact that to any particular city their own gods were of the highest concern is illustrated by the same passage, Herodotus 8.144. When the Athenians reply to Alexander (Hdt. 8.143–144), they mention twice the fact that the king of Persia had burned the houses and images of their gods and heroes, and this constitutes an unmitigated offense that can only be washed off with blood. In the reply of the Athenians, the offense of burnt houses and images of divinities is separate and comes before the argument of *to hellênikon*, which is another stimulant for resistance to Persians, and in which common, that is, shared, shrines and sacrifices are mentioned. Thus, there is a distinction between the local Attic sanctuaries, which for the Athenians are in the first place in order of priorities, and then the common sanctuaries, participation in which supports their sense of Greekness, but is still secondary to the care of the local shrines and images. Or so it would seem from the context.

We should now ask whether, preoccupied as they were with their epichoric religious cares, the Greeks also valued one another as religious entities. We will look closely only at two examples, which however suffice to illustrate a characteristic distinction between the ways the Greeks valued their own religious possessions and those of other Greeks. First of all, it should be said that the Greeks entering the land of another Greek

state were cognizant of at the same time entering the land of other gods, or the land of the gods of Others. In their appeal to the Spartans, the Plataeans, whose land the Spartans have invaded, address Archidamas and the Spartans as follows (Thuc. 2.71.4):

> We make appeal, therefore, to the gods who then witnessed the oaths, to *the gods of your fathers* (*theous patrôious*), and to *the gods of our own country* (*enkhôrious theous*), and we tell you not to break the oaths by making an unprovoked attack on the land of Plataea.
>
> μάρτυρας δὲ θεοὺς τούς τε ὁρκίους τότε γενομένους ποιούμενοι καὶ τοὺς ὑμετέρους πατρῴους καὶ ἡμετέρους ἐγχωρίους, λέγομεν ὑμῖν γῆν τὴν Πλαταιίδα μὴ ἀδικεῖν μηδὲ παραβαίνειν τοὺς ὅρκους.

Gods here are described in terms of belonging, to a people (*theoi patrôioi*—gods of the Spartan ancestors) and to a land (*theoi enkhôrioi*—gods in the Plataean chora). We will see that the notions of 'belonging' (from divine perspective) and of ownership (from human perspective) are central to the religious interactions between the Greeks of different states.

After negotiations between the Plataeans and the Spartans had failed, and the Plataeans had refused to stay neutral, Archidamas decided to proceed with the invasion and made an apology before the local gods (Thuc. 2.74.3):

> *Gods and heroes of Plataea*, bear witness with me that from the beginning it was in no spirit of aggression, but only because these people had first broken their engagements with us, that we invaded this land in which our fathers offered their prayers to you before they defeated the Persians and which you made a place of good omen for the warfare of the Hellenes; nor, in our actions now, shall we be acting aggressively. We have made a number of reasonable proposals, but these have not been accepted. Grant us your aid, therefore, and see to it that the punishment for what has been done wrong may fall on those who were the first to do evil, and that we may be successful in our aim, which is a just revenge.
>
> θεοὶ ὅσοι γῆν τὴν Πλαταιίδα ἔχετε καὶ ἥρωες, ξυνίστορές ἐστε ὅτι οὔτε τὴν ἀρχὴν ἀδίκως, ἐκλιπόντων δὲ τῶνδε προτέρων τὸ ξυνώμοτον, ἐπὶ γῆν τήνδε ἤλθομεν, ἐν ᾗ οἱ πατέρες ἡμῶν εὐξάμενοι ὑμῖν Μήδων ἐκράτησαν καὶ παρέσχετε αὐτὴν εὐμενῆ ἐναγωνίσασθαι τοῖς Ἕλλησιν, οὔτε νῦν, ἤν τι ποιῶμεν, ἀδικήσομεν· προκαλεσάμενοι γὰρ πολλὰ καὶ εἰκότα οὐ τυγχάνομεν. ξυγγνώμονες δὲ ἔστε τῆς μὲν ἀδικίας κολάζεσθαι τοῖς ὑπάρχουσι προτέροις, τῆς δὲ τιμωρίας τυγχάνειν τοῖς ἐπιφέρουσι νομίμως.

What does this episode illustrate? Do the Spartans view the gods of Plataea as *koinoi*, common to them and the Plataeans, or the same as the gods of Sparta, or the same as the gods of the panhellenic centers?

Clearly not. The gods they address are the gods of a specific territory, that of Plataea. At the same time, the Spartans feel entitled to address the Plataean gods and entertain a hope of bringing them to their own side. This suggests that the Spartans, as it were, see the Plataean gods as both other/foreign, and as potentially their own. Here, we must be witnessing that cognitive 'winking' phenomenon that Henk Versnel has successfully detected in the ancient Greek thinking—an ability to adhere to contrasting, even oppositional, notions, with regard to the same matters.[46] Can we deduce from this example, however, that the reason the Spartans appeal to the gods of others, to the Plataean gods, is because they at some level view them as essentially the same gods as their own Spartan deities? The notion of 'valuing' helps articulate the underlying logic of the Spartan address.

'Valuing' has two connotations: (1) to respect, regard highly, esteem; and (2) to evaluate, estimate. In the speech of Archidamas, we may note a transition from the first sense, the recognition that gods of another state require acknowledgement irrespective of how they choose to act towards the invaders, to the second sense—the recognition of the value of the Plataean gods and the cooptation of their valuable help. Respect and evaluation go together. From the Spartan perspective, the gods of Plataea are not 'common' to them (in that case, they would not have had to apologize), nor are they the 'same' (for then they would not need to be asked to be allies). The point is precisely that the gods of Plataea are the protectors of the local land, and because the Spartan business is to subdue Plataea, nobody is in a better position to aid them than the highest authority in charge of the land—her gods. Thus, the value of the Plataean gods for the Spartans is in the fact that they are not their own, but the gods of others, Plataean gods; only in this capacity can they benefit the Spartans under the circumstances.[47]

The next example shows that the fine line between selfless respect and estimation of benefit with regard to the gods of others is directly linked to the notion of ownership. Thucydides 4.97–98 deals with the story of the Athenian defeat at Delium in 424/423 BCE. When the Athenians fortified Delium, they cut down vines in the precinct grounds to use in

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[46] Versnel 1990, 4–8; 2000, 102–103.

[47] The conquerors' need to address local deities with an apology and with an explanation of their actions, and the rationale that underlies such interaction with the gods of others, finds parallels in Near Eastern, namely Assyrian, sources that detail the conquest of Babylonia: Cogan 1974, 22–41.

constructions. After the Boeotian victory in the battle, the Boeotians set up a trophy and sent a herald to the Athenians who met the herald of the Athenians on his way. The Boeotian herald turned the Athenian herald around, saying that he, the Boeotian, had to fulfill his mission first. So the herald spoke (Thuc. 4.97.2–98.3):

> He stood up and said that the Athenians had done wrong and transgressed against the *laws of the Hellenes*. *It was a rule established everywhere that an invader of another country stays away from the sanctuaries that are in that country*. The Athenians, however, had fortified Delium and were living in it. They were doing all the things there that men do in profane places; they were drawing and using in the ordinary way the water which Boeotians were never allowed to touch except for the washing of hands before sacrifices. *It was therefore for the god as well as for themselves that the Boeotians, in the name of the divinities of the place and of Apollo*, warned the Athenians first of all to leave the temple and then take back what was their own.
>
> After this speech from the herald, the Athenians sent their own herald to the Boeotians and *declared that they had done nothing wrong with regard to the temple*, nor would they do any harm to it in the future, if they could help it; it was not with any such intentions that they had occupied the temple in the first place, but only to use it in self-defense against the Boeotians, who were the real aggressors; *under the Hellenic law whoever was in control of a piece of country, whether large or small, invariably also took possession of the temples in that country, with the duty to maintain, as far as possible, the usual religious ceremonies*; Boeotians themselves and most other people who had driven out the original inhabitants of place and occupied it themselves now regarded as *their own the temples which*, when they had first occupied them, *were the property of others*.
>
> καταστὰς ἐπὶ τοὺς Ἀθηναίους ἔλεγε τὰ παρὰ τῶν Βοιωτῶν, ὅτι οὐ δικαίως δράσειαν παραβαίνοντες τὰ νόμιμα τῶν Ἑλλήνων· πᾶσι γὰρ εἶναι καθεστηκὸς ἰόντας ἐπὶ τὴν ἀλλήλων ἱερῶν τῶν ἐνόντων ἀπέχεσθαι, Ἀθηναίους δὲ Δήλιον τειχίσαντας ἐνοικεῖν, καὶ ὅσα ἄνθρωποι ἐν βεβήλῳ δρῶσι πάντα γίγνεσθαι αὐτόθι, ὕδωρ τε ὃ ἦν ἄψαυστον σφίσι πλὴν πρὸς τὰ ἱερὰ χέρνιβι χρῆσθαι, ἀνασπάσαντας ὑδρεύεσθαι· ὥστε ὑπέρ τε τοῦ θεοῦ καὶ ἑαυτῶν Βοιωτούς, ἐπικαλουμένους τοὺς ὁμωχέτας δαίμονας καὶ τὸν Ἀπόλλω, προαγορεύειν αὐτοὺς ἐκ τοῦ ἱεροῦ ἀπιόντας ἀποφέρεσθαι τὰ σφέτερα αὐτῶν.
>
> τοσαῦτα τοῦ κήρυκος εἰπόντος οἱ Ἀθηναῖοι πέμψαντες παρὰ τοὺς Βοιωτοὺς ἑαυτῶν κήρυκα τοῦ μὲν ἱεροῦ οὔτε ἀδικῆσαι ἔφασαν οὐδὲν οὔτε τοῦ λοιποῦ ἑκόντες βλάψειν· οὐδὲ γὰρ τὴν ἀρχὴν ἐσελθεῖν ἐπὶ τούτῳ, ἀλλ᾽ ἵνα ἐξ αὐτοῦ τοὺς ἀδικοῦντας μᾶλλον σφᾶς ἀμύνωνται. τὸν δὲ νόμον τοῖς Ἕλλησιν εἶναι, ὧν ἂν ᾖ τὸ κράτος τῆς γῆς ἑκάστης ἤν τε πλέονος ἤν τε βραχυτέρας, τούτων καὶ τὰ ἱερὰ αἰεὶ γίγνεσθαι, τρόποις θεραπευόμενα οἷς ἂν πρὸς τοῖς εἰωθόσι καὶ δύνωνται. καὶ γὰρ Βοιωτοὺς

> καὶ τοὺς πολλοὺς τῶν ἄλλων, ὅσοι ἐξαναστήσαντές τινα βίᾳ νέμονται γῆν, ἀλλοτρίοις ἱεροῖς τὸ πρῶτον ἐπελθόντας οἰκεῖα νῦν κεκτῆσθαι.

It may seem that the two sides are citing a different understanding of the Greek law with regard to the treatment of sanctuaries by *xenoi*. The matter, however, is not in the different view of what the law prescribes, but rather how each side perceives the situation to which the law is being applied. The Boeotians define the Athenians as invaders, i.e., temporary occupiers of their Boeotian land; the Athenians see themselves as possessors for a long term. The crux of the matter is the status of the Athenians at Delium: are they invaders or new owners of the sanctuary? The Boeotians, however, prove their point rather starkly. The Athenians come to the Boeotians to ask for their dead, and the Boeotians demand that the Athenians vacate the sanctuary at Delium. The fact that the Athenians are just invaders is pointed out by the Boeotians: if they were the possessors of the land, they would not need the Boeotian permission to trespass and collect their dead, but since they are asking for permission, they are thereby admitting that they are just invaders (Thuc. 4.98.8–4.99.1).

Thus, we see that the Athenians did not think twice before taking up residence in the Boeotian sanctuary, cutting down vegetation (vines) and using sacred water. This could be an example of disrespect for a foreign sanctuary, and of seeing its only value for them in terms of their military plans. The Athenians, however, defining themselves as the new owners, claim to be properly respectful of the sanctuary, now that they are in possession, and hence can define according to their own views what is proper conduct and what is unacceptable on the sacred grounds.

It is further fitting to address in the context of our discussion of Greek attitudes towards the religious property of other Greeks the stories that involved stealing, cooptation, or peaceful transfer of cult statues, or other cultic paraphernalia from one Greek state to another. Among these stories, the introduction of the hero Melanippus from Thebes to Sicyon (Herodotus 5.67) illustrates a peaceful paradigm: the tyrant Cleisthenes asks, and the Thebans willingly give the hero to him. The motivations of Cleisthenes do not seem to have anything to do with a particular respect for Melanippus, but the hero is of clear value to Cleisthenes because he represents a power antidote to the authority of the Argive hero Adrastus, who had been worshipped in Sicyon until then and whom Cleisthenes hoped to dislodge. Only when Melanippus is in the land of Sicyon, installed in the prytaneion, can he be addressed with acts of worship: the

cultic honors of Adrastus are transferred to Melanippus. This example illustrates both that a local deity or hero could be deprived of respect and hence of value, and that a foreign hero could be viewed as valuable and addressed with respect once brought into the land. Certainly, the behavior of a tyrant, such as Cleisthenes, represents an anti-model, and to deprive a local deity of an honor was a highly dangerous business; at the same time, the transfer of a hero from outside falls in line with numerous other examples, illustrating the mechanism of shifting attitudes: from evaluation (estimation of benefit) to valuing (demonstration of respect) aligned with the presence of the deity first outside and then inside the state's territory.

Another episode (Hdt. 5.82–86) is the case of stolen cult statues transported from the territory of one Greek state, Epidauros, to another, Aegina. This story shows two distinct ways in which a Greek state could make gods one's own. It could draw them in, so to speak, vertically or horizontally. The Delphic oracle tells the Epidaurians to make statues of Damia and Auxesia in response to an infertility in their land, so they in a way introduce the new deities from an abstract realm of potential deities (draw them down, as it were) into the concrete physical realm of the land of Epidauria. Then Aeginetans (horizontally) move the statues from Epidaurus to their own land, across the Saronic Gulf. How does this story pertain to the question of how Greeks valued the gods of others? The very value of these statues to the Aeginetans is in the fact that they belong to others. While they are in the Epidauria, they are objects of value, not of respect. Once they are on the Aeginetan soil, rituals and offerings are instituted in their honor and the deities show their agreement to remain on the island by refusing to come along with the Athenians who try to drag them off; henceforward they become objects of respect and ritual worship. In this case again, we see that the dynamics of evaluating and valuing are dependent on the ownership of ritual objects: the divinities become the objects of respect once they have been coopted to your side, but while they are across the border, they are mainly the objects of value.[48]

[48] The Assyrian practice of carrying away divine images from the conquered foe is both similar and different from the Greek practice. Assyrians also motivated their actions by an objective of robbing their enemies of divine protection; at the same time, Assyrians did not, it would seem, subsequently invest in the worship of those deities whose images they took away from their enemies: rather they cared about the symbolic and practical result of despoiling and demoralizing their enemies more than about currying favors with those same gods. Yet examples of the latter sentiment are also known. On the Assyrian practices, see Cogan 1974, Holloway 2002.

We may recall, in the same line of argument, the numerous stories of the transfer of heroic bones in Greece, the case of Orestes' bones moved from Tegea to Sparta being the most notorious (Hdt. 1.66–68).[49] We should note that the transfer is typically from one state to another, from one political territory to another. In other words, the relics have to change hands, and hence, to change allegiance, whether the latter was explicit in the original location or not. The relics are desirable objects to possess because of the practical value attached to them, but their benefit can only be realized if they are brought over into your politico-territorial realm. The valuable bones have to be brought from elsewhere to become the objects of respect. In some sense, it also seems that the very fact of the foreign location, and / or the ownership by others, is what constitutes the relics' value.

6. *Conclusion*

I will now summarize what we have observed. First, we saw that there is little indication in our textual sources that ancient Greeks perceived that they constituted one common religious group by virtue of acknowledging the same undifferentiated group of any and all Greek gods. Rather, it was a category of specific deities associated with specific shared shrines that served as a referent for appeals to 'common' religious ties between different Greek states. Second, the notion of valuing the gods of others was closely linked with the notion of ownership, and was split between the modes of seeing the cultic property of others (that is, both shrines and gods understood as property in this sense) as objects of value and as objects of respect. Often the ownership by others was exactly what constituted the value of the religious property and stimulated the motivation behind its capture. The capture or recovery of such objects was a dangerous procedure, which had to have a divine approval, through the agency of Delphi or some other divine communication. The transition between the status of valuable objects to objects of respect was thus a transition from foreign to domestic status.

Whenever the Greeks succeeded in making the gods of others their own, by becoming owners *de facto* or proclaiming ownership of these gods *de iure* (gods move, boundaries stay, or boundaries move, gods

[49] McCauley 1999, 96 n. 40 lists thirteen such examples.

stay—in both cases, owners change), they showed their respect to these gods by traditional means of veneration. The sense of valuing therefore seems to be split in the practical approaches of the Greeks to the gods; otherness connotes worth, while ownership connotes respect. The gods of shared sanctuaries were certainly respected, and yet the competition for what they were worth was always there, and hence the prevalence of the sense of value over the sense of respect.

The sameness of gods existed only in poetry. Thus, the gods of Hesiod's *Theogony* or of Homer were all the same, to Spartans or Athenians, equally important, equally abstract. In practice, the gods were never the neutral same gods across the border, they were always somebody's, yours or others', and the ownership determined the manner of their valuing that could come into force on any particular occasion. Pindar could make abstract statements about gods in general, and they would indeed have the same and equal relevance to any Greek; but he had to call upon specific gods, i.e., gods of specific cities and sites to shower benevolence upon the victors and their communities, and hence the bipolar tension of his poetry, at once panhellenic and epichoric in scope. Gods were most effective helpers when they were addressed by name: that is why the Greeks went to their oracles again and again to ask 'which of the gods or heroes' they should propitiate. It was not only the polytheistic challenge of choosing one or several from countless many, it was also, if such comparison be allowed, a matter of getting the name and address of a powerful figure that could make a difference. Of this peculiar challenge Pindar was highly aware, and he negotiated brilliantly the task of inserting victorious athletes both into the nebulous abstract realm of panhellenic fame under the aegis of panhellenic deities, and into the appointment books of concrete deities of local cults who were instrumental to athletes' success.

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CHAPTER FOUR

KHARIS, *KHARITES*, FESTIVALS, AND SOCIAL PEACE IN THE CLASSICAL GREEK CITY

Nick Fisher

1. *Introduction*

Ancient Greek historians and political theorists regularly claimed that the number and splendor of their religious festivals for their gods, with their essential components of sacrifices, feasts, and athletic, song–dance, and dramatic contests, were rightly viewed as a major cause of stability and social harmony, and a strong protection against *stasis*: the most famous expression of this is the extended account in Polybius' fourth book, where he explains (Polyb. 4.20–21) how all the Arcadian *poleis* (bar one) were made stable and harmonious by their very strong, age-classed divided, song–dance, culture (the single exception was Cinaetha, which suffered terrible *stasis* and massacres).[1] After much neglect, the song–dance culture of the Greek states has become the subject of a remarkable outpouring of work, from which one might single out the work of Calame, Wilson, Csapo, Rutherford, and Kowalzig.[2] From this work, a clear picture is emerging of the varied and important functions of civic festivals and their contests, in oligarchic states as much as democratic, organized alike by *poleis*, *ethnê*, and / or wider cultic / political organizations such as amphictionies, major sanctuaries, and the Panhellenic games. These functions include the provision of honor and pleasure to the gods; collective leisured entertainment for the community; poetic and musical explorations of the mythical past of the organizations concerned, which may reinforce current conceptions of identity and alliances

[1] See also Plato, *Laws* 1–2; Aristotle, *Politics* 8; Diodorus 3.64.7; Dion. Hal. 2.7, 2.18; Plegon of Tralles *FGH* 157 F 1; Aelius Aristides 24.52; Demetrios of Phaleron *apud Scholia in Od*. 3.267.

[2] See, e.g., collections such as Phillips and Pritchard, 2003, Murray and Wilson, 2004, Wilson 2007, Csapo and Miller 2007, and books such as Calame 1977, Wilson 2000 and Kowalzig 2007a.

through the constant reinvention of tradition; and optimistic or somber interpretations of the conditions of human life and the relation with the divine.

This chapter will focus in a self-consciously one-sided manner on the ways in which widespread citizen participation in the festival contests as well as in the sacrifices and feasts may have fostered political good will and positive evaluations across previously strong class and / or geographical divides. The chapter will be thus avowedly functionalist and idealizing. Now it is certainly right to be critical of excessively optimistic and positivist assessments of the harmony and consensus even of classical Athens, which was a relatively rare example of political stability through most of the long period between Cleisthenes' reforms and the death of Alexander. Good examples of this tendency to present positive images of Athenian society and its political systems include the well-known books by Josiah Ober,[3] and the two recent books by Gabriel Herman and Peter Liddel.[4] Herman's arguments that Athenians expected each other to respond to personal insults and assaults with severe self-restraint, in a spirit of civic patriotism, and mostly did so, thereby accepting a rejection of the ideal of revenge, are ruthlessly selective and largely unconvincing; Liddel's treatment of the ideological rhetoric of mutual obligations between the rich and the Athenian people, and their compatibility with (Rawlsian) ideas of liberty and fairness, is far more realistic and plausible than Herman's, but he, like Ober, may be felt to overestimate the effects on the citizens' feelings of the formal rhetoric of the courts and underestimate the extent to which many citizens may have pursued their individual or family goals at the expense of community values.[5] But it remains appropriate at times, and the project of this book pre-eminently offers such an occasion, to explore what did work well in the civic institutions of the Greek *poleis*, without denying or underplaying the tensions, contradictions and frequent *stasis* and wars. My argument here is that the establishment of collective festival competitions, often involving competitive teams representing the formalized subgroups of the *polis*, had beneficial effects which constitute a necessary but neglected corollary to the positive presentation of Athenian democratic consensus deployed by Ober and Liddel, whose work focuses on how the rhetoric of the courts

[3] Ober 1989, 1996, 2008.

[4] Herman 2006 and Liddel 2007.

[5] Both books are effectively criticized from this point of view in Christ's reviews (Christ 2007, 2008).

negotiated the interplay of civic obligations on the rich and the reciprocal rewards then made available to them by the less rich. The argument will be that widespread communal recognition of the pleasures and benefits at festivals in very many Greek states, those which had oligarchic or mixed constitutions as well as those claiming to be democracies, did much to sustain such reciprocal relationships.

The chapter will pursue this theme in distinct stages, offering a sketch of different, related, ways in which one can argue for the political and social importance of festival participation. First, I shall briefly illustrate how the creation of good will and cohesion at festival contests was expressed in choral song and drama through the values of *kharis*, and its divine personifications; second, I shall suggest cases where it seems that reinforcement of these collaborative ideals was in many places fostered by cults of the *Kharites* and their divine associates; third, I shall survey a selection of cases where changes of festival or specifically of choral practices seem to have coincided with or been inspired by changes in styles of regime and / or tribal organizations. Finally I shall look briefly at the reforms of the Athenian Cleisthenes, with their fostering of wider festival participation in new organizational contexts (which I have treated in more detail elsewhere),[6] and argue that they were a particularly successful example of how the creation of a more cohesive social and political system was reinforced by festival performances which strongly enhanced positive and reciprocal 'valuings' across different sections of the community.

2. *The presiding values of reciprocity:* kharis *and the* Kharites

2.1. Kharis

Kharis (with its associated deities) is a term central to Greek values, and equally a term fundamentally associated with 'valuing others' if one accepts, as I do, that all *kharis*-relationships involve the notion of reciprocity: that is that *kharis* was a complex but coherent concept, covering all aspects of shared or collective pleasures and reciprocal activities.[7] It

6 Fisher, forthcoming (a) and (b).

7 E.g. Vernant 1965, 130–131; MacLachlan 1993, Goldhill 1998, Parker 1998, Allison 2001, Azoulay 2004, Davidson 2007, 38–50, 64–67, 446–465, Fisher 2006, forthcoming (a) and (b).

was of course a polyvalent term, and I shall only illustrate some of its uses in these specific contexts of community festivals, where it is a central value which can express the pleasure and social benefits of the song–dance performances at the civic festivals and / or varied reciprocal obligations between its different contributors. One can broadly divide uses of the term into two categories, operating on different time scales. First, there are the cases where there is a sense of shared good will combined with pleasure at a moment in time: leading examples are the *kharis* of love, sex, and marriage; the impact of the 'physical charm' or 'winningness' of a beautiful person or sight on another individual or a group; the commensality at feasts, *sumposia* and other parties; and (most relevant now) *khoreia*, the shared performances of music, drama, dancing, and singing.[8] Second, there is the sense of *kharis* as any or all parts of the following: good deeds, thanks, gratitude, return, payback, that is designations of parts or all of a continuous relationship over time of mutual acts of reciprocal benefits. This comes with a continuing sense of variable and negotiable obligations, to keep the relationship going, and to respond in adequate or more than adequate terms. Aristotle has two general (if brief) treatments of *kharis*, and each focuses on different parts of this chain of reciprocity. In *Nicomachean Ethics* (Arist. *Eth. Nic.* 1132b29–33a6; see also below) the focus is the cohesive value of the mutual respect and trust inherent in all forms of exchange in a community; but in *Rh.* 2.7, on *kharis* as an emotion, the concentration is restricted to the emotional aspects of just one part of the chain of favors and counter-favors, namely the feeling of gratitude (*kharin ekhein*) for a generous benefaction. This is seen in terms of the intimate connection between an act of benefaction not primarily motivated by self-interest or compulsion, but by the desire to relieve or satisfy the needs of the other, and a corresponding friendly emotion in the other which would lead to a counter-benefit.[9]

[8] Plato's discussion of *khoreia* at *Laws* 667b–e suggests first that pleasure (*hêdonê*) is an essential element in *kharis*, and second that *kharis* is seen as the appropriate term for the sort of pleasure people properly find in *khoreia*, as also in food and drink and learning. The difference suggested in this passage between *kharis* and *hêdonê* seems to be that *hêdonê* is the more general term, whereas *kharis* is the major element in music and dancing, in learning and education, and in commensality, which makes them all so pleasurable, convincing, and attractive; for Plato, however, the other criteria appropriate for all the imitative arts, music, dancing, and poetry, that is accuracy of imitation and 'truth', are more important.

[9] See Konstan 2006, 156–168.

But the conceptual divide between these two broad types is not great and there can be felt in almost all cases the implication of a social relationship which should continue. An equally important point, if also one for which I cannot argue in detail here, is that it is profoundly misleading to restrict appreciation of any significant aspects of this complex concept to members of an elite social group (often labeled 'aristocrats').[10] These fundamental, linked, senses of *kharis* were in my view values held dear by Greeks of all social classes and periods, who readily saw that many varied relationships of this type, which were in principle lasting, made major contributions to the cohesiveness of their communities or social groups (at all social levels). Specifically in the context of festival *khoreia* there is not a wide conceptual gap between the immediate *kharis* in the song–dance poetry linking performers, gods, audience, and community in shared pleasures and the more lasting *kharis* of benefits and gratitude created by varied performances in such events: this is the *kharis* to which we see appeals made in the Athenian public discourses, where speakers seek for a response from the community to the *philotimia* or *prothumia* of their contributions to festival organization and finance. The pleasures the audiences derived from the emotional power of the performances surely led to a feeling of gratitude on their part towards the participants and the sponsors.

This fundamental unity in diversity can be seen to operate impressively in the choral poetry of Pindar and Bacchylides: here are just a few examples. The *Kharites*, like the Muses, are often invoked at the start of praise poems and asked (e.g.) to weave appropriate poems; one might distinguish them by suggesting that on the whole the Muses are more concerned with the skills and the inspiration in creating the poetry, music, and choreography, whereas the *Kharites* focus more on getting the effects on the target audiences right, the most appropriate narrative and praise for the victor and the community, 'weaving', persuasively and sweetly, the achievements and the myths with the words, sounds, and dance.[11] Second, there is often a request to the appropriate god to send glorious *kharis* over the chorus (e.g. Pind. fr. 75, a dithyramb for the Athenians), to enable the performance to deliver the pleasures required. Further, *kharis* in epinicians may be the victory in the games, other achievements in the past which need the continued recognition provided by song, or

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[10] See also Fisher forthcoming (a) and (b).

[11] A good example is Bacchyl. 19.1–6, on which see Maehler *ad loc.*

the delight in the victory celebrations and songs; the news of the victory may be seen as (e.g.) a 'genuine *kharis* coming to Keos' (Bacchyl. 2.2); the epinician itself may be described as the 'properly named *kharis*' (Pind. *Ol.* 10.78), which here conveys at once the gift in payment of the obligation, the song which is the form the gift takes, and the delight and the light it brings to the occasion. *Kharis* may also refer to the other side of this temporal division, to the longer-lasting reciprocal bonds and their expressions in these poems: the exchange of gifts and returns between the poet and the client (individual victor and his family, or a broader group), or the relationship of continuing friendship and good will; or on occasions a more erotically tinged relationship of affection and mutual good deeds e.g. between trainer and athlete. Pindar often weaves different elements in this complex concept into a web of varied *kharites* reinforcing and integrating in the performance of the victory-song and dance all of the following: the talents, achievements, and attractiveness of the victors; the reciprocal favors and respect which have (allegedly) created harmonious relations between the victor, his family, and the wider networks of kindred and community; the celebrations and banquets, which may also unite the community and are graced by the production and performance of the epinician song; and the underlying reciprocal relations between poet and his patrons which produce this and other such songs.[12] The divine associations of all these aspects of *kharis* will have given them a powerful legitimacy in the eyes of performers and audiences of these songs alike.

Comparable themes can be traced equally in many dramatic choruses. For reasons of brevity, I pass over tragedy here[13] and offer just a few examples from Aristophanes. At *Acharnians* 989 Diallage (the personification of the peace and reconciliation Dicaeopolis is winning) is represented as one who shared upbringing (*suntrophê*) with Aphrodite and the dear *Kharites*;[14] at *Clouds* 311, the chorus of Clouds delight to visit

[12] See on this theme, with specific reference to *Olympian* 10, the analyses in Hubbard 2004, 2005, and Fisher 2006.

[13] Euripides is particularly fond of emphasizing the value of *kharis* of the choral dances in a community, especially performed by young girls, in contrast to war, *stasis*, or family tragedies. See e.g. Eur. *Hipp*. 1148–1149, *Supp*. 374–380, *HF* 673–686, *IT* 453–457, 1138–1153, *Hel.* 1338–1352, *Phoen*. 784–791, 892–897, *Bacch*. 414–415. On such 'choral projection' cf. Henrichs 1996; Kowalzig 2007a, esp. 3–12; Csapo 2008.

[14] Cf. also Ar. *Pax* 41–42, 455–456, where the *Kharites* share libations with Hermes, Aphrodite, *Horai*, and *Pothos*; and *Pax* 456, *Thesm*. 295–300 with Olsen *ad loc*.

Athens, where the highlights are the many year-round festivals for the gods, and above all the Eleusinian mysteries[15] and the City Dionysia (Ar. *Nub*. 311):

> Where there is awe of secret rites, where the initiate-receiving house
> is revealed in holy rituals,
> and the gifts to the sky-dwelling gods,
> and high-roofed temples and bright offerings,
> and the holiest processions of the blessed ones,
> well-garlanded sacrifices and feasts of the gods,
> at every kind of season,
> and at the coming of spring there is the Bromian *kharis*
> and the stirring contests of fine-sounding choruses
> and the deep-ringing Muse of the pipes.

Here the *Kharis* and the Muse are again seen at work together, the *Kharis* conveying perhaps the pleasures of the sounds and sights and thoughts, both for Dionysus and the audience, and also the value to the community of all the intensely competitive team events.[16]

2.2. *Cults of the* Kharites

Cults of the *Kharites* were widespread throughout the Greek world, and they frequently shared in sacrifices and offerings with many other deities: especially with Aphrodite, Apollo and Artemis, Hermes, Dionysus, and other female collective groups such as the Horae, Nymphs, Muses, and Erinyes. Where they had their own sanctuaries, these too tended to be in close association with their divine friends.[17] The cult was evidently strong throughout Boeotia (Paus. 9.35.1–3), and particularly famous in Boeotian Orchomenos. They were also strongly present at cult sites in Thasos, Paros, Sparta, Athens, Cos, Elis, and featured as well in the Argolid,[18] and

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[15] Cf. Ar. *Ran*. 333–335, where the sacred singing and dancing Iacchus is invited to join in with the chorus of happy dead initiates involves 'unrestrained playful honoring which has the greatest share of the *Kharites*'.

[16] Cf. also Ar. *Av*. 848–858, where they agree to start up processions, big sacred *prosodia*, and a sheep sacrifice to the new gods, *kharitos heneka*: Dunbar (*ad loc*.) argues that the phrase here here means 'to win favour' not 'in gratitude'; one could suggest both are there: 'to establish by initial gift a lasting relationship of mutual favours and returns'; better is Furley 2007, 120.

[17] Cf. Vernant 1965, 130–131; Pirenne-Delforge 1994, 38–40, 231–232, 279–281, 391–392; Pirenne-Delforge 1996; Pironti 2007; see also references in Farnell 1896–1909 v, 427–431, 462–464; *LIMC* s.v. *Charis, Charites*.

[18] According to Pausanias there was a statue of the *Kharites* in the *pronaos* of the Heraion (2.17.3); and one at Hermione (2.34.10).

on Delos,[19] Naxos[20] and Thera.[21] Many cities held alternative views on the number and names of these goddesses (as remarked by Paus. 9.35.1–3). I discuss here some cases where the siting of their shrines, their sacrificial victims, or their divine associates is of particular interest.

The obvious starting place is Boeotian Orchomenos, central to whose identity was the claim to have hosted the origins of the cult, founded allegedly by their Minoan king Eteocles (Pind. *Ol.* 14, Paus. 9.35, 38):[22] the sanctuary of the *Kharites* was the most ancient in the city, and the goddesses (functioning there as *poliades*) were represented as three stones which had fallen from the sky (as often in Boeotian cult), and seem to have had the associations with general natural and human fertility found also in the case of Aphrodite and other female triads.[23] Pausanias adds that there was (nearby?) a sanctuary (and conceivably also a theater) of Dionysus (Paus. 9.38.1).[24] The foundations of a *pronaos* near the theater, south of the Mycenaean palace, may belong to either of these buildings; the contests at the Kharitesia (musical, dramatic, and athletic), attested in the Hellenistic period in honor of the *Kharites*, and the connected Homoloia (perhaps relating to Dionysus), were probably associated with these central locations.[25]

In Thasos the *Kharites* were also very prominent, and the siting of the sanctuary is especially intriguing. In ca. 490–480, a monumental covered passage was constructed on the street which ran from the south-west to the north-east and bordered along the agora, on the east side;

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[19] Cf. *Hom. Hymn Ap.* 156–164, 189–206, *Hom. Hymn Art.* 27, 13–15, Callim. fr. 114, Paus. 9.35.1; the *Kharites* are involved in the dances loved by Apollo and Artemis, and are featured on Apollo's right hand in Angelion's and Tectaius' cult statue of Apollo; elsewhere said to be on the left hand, holding musical instruments, [Plut.] *Moralia* II36A: see Bruneau 1970, 52–58, 548, Peponi 2009, on the description of the wonderful loveliness and reciprocity of the choral performance praised in the Delian section of the Hymn to Apollo.

[20] *IG* XII.5 55: an Apollodorus, a lifetime priest of the *Kharites* (Roman date).

[21] *IG* XII.3 Suppl. 1312: among the rock graffiti we find *K(h)arites* (ca. seventh century BCE, Farnell 1896–1909 V, 429 n. 146).

[22] Cf. also Ephorus *FGrH* 70 F 152, and Strabo 9.2.40; in Strabo's text Eteocles' foundation of the *Kharites*' shrine is followed by a lengthy paragraph expanding on the connection between these goddesses and the acquisition of wealth and power through the repeated reciprocal giving and receiving of favors; even if this paragraph is excised as a gloss, as many editors have done, the connections of thought are pertinent.

[23] Cf. Pirenne-Delforge 1994, 279–281.

[24] Schachter (1981–1994 I, 144) suggests that a nominative word or words, indicating a sanctuary and / or a theater, may have dropped out of Pausanias' text before 'of Dionysus'.

[25] See Schachter 1981–1994 I, 140–144.

the passage had two 11 m long walls on either side.[26] This has been labeled the 'passage of the theoroi' by the French excavators, because from the mid-fourth century on, lists of the annual magistrates called the *theôroi*, who formed a council of 360, were inscribed;[27] on each wall there were erected relief slabs. On the south side was a slab featuring Hermes, making a welcoming gesture, and facing him a slab with the three *Kharites* holding offerings of wreaths and fruits; in between them was an altar *in antis*, in a recess. On the opposite wall was a similar pair of slabs featuring Apollo and the Nymphs. The reliefs have accompanying early fifth-century inscriptions which give details concerning appropriate sacrificial victims:

(a) To the Nymphs and Apollo Nymphegetes one may sacrifice male or female as one wishes; it is not right (to sacrifice) sheep or pig. One does not sing the paean.
(b) To the *Kharites* it is not right (to sacrifice) goat or pig.[28]

The major, recently discovered, law concerning order in the streets (ca. 480–460) names a street, no doubt the one which includes the passage of the *theōroi*, as 'the street of the sanctuary of the *Kharites*' (ἡ ὁδὸς τõ ἱϱõ Χαϱίτων); this street has been plausibly argued to run from the passage of the theoroi south towards the sanctuary of Heracles; the inscription also identifies areas to be kept clear of waste and rubbish (*kopros*) as 'from the sanctuary of the *Kharites* as far as the buildings where there are the money exchange (*arguramoibeion*), and the banqueting place (*sumposion*) following the street which goes by the town hall (*prutaneion*)'.[29] Thus it seems that the sanctuary of the *Kharites*, associated with Hermes, Apollo, and the Nymphs, was significantly and centrally located, on a main street which linked together the agora, civic buildings associated with formal and ritualized dining and with

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[26] See Granjean and Salviat 2000, 82–87.

[27] *Theôroi* in Thasos are the 360 magistrates: we have long lists of them in tranches on inscriptions (which began to be inscribed in the fourth century), allegedly going back to late sixth century. See *IG* XII.8 273–348. On the 'passage of the theoroi' see also Pouilloux 1979, and Mulliez, Muller and Blondé 2000, 889–907.

[28] The prohibition on sacrificing a pig suggests the connection, found often elsewhere, between Aphrodite and the *Kharites*: see Pirenne-Delforge, 1994, 392, Pironti 2007, *IG* XII.8 358; on the date, cf. Jeffrey 1990, 302–303, Duchêne 1992, 122–123.

[29] See the exemplary publication by Duchêne 1992 (and *SEG* 42 785); also Graham 1998, Cole 2004, 50–57. On the concern evident in many Thasian inscriptions for the public appearance of their *polis*, perhaps especially with the aim of creating a good impression with civic, commercial, and friendly visitors, cf. Osborne 2009.

economic exchanges, and other major sanctuaries; and this important street was officially named after the *Kharites*.[30] This all clearly demonstrates how strongly the Thasians perceived the *Kharites*' functions as uniting civic life and cohesion, *polis* cults, civic exchanges and commensality.[31]

The evidence for *Kharites* cult at Thasos' official 'mother city' Paros is mostly literary rather than epigraphic. The cult is prominent in Callimachus' *Aetia*, where the *Kharites* and the Muses seem to have played a significant role in the whole structure; the Muses are prominent in the prologue (Callim. *Aet*. fr. 1) and both appear in the conclusion (Callim. *Aet*. fr. 112), while the first question posed which demands an *aition* is 'why do the Parians sacrifice to the *Kharites* without pipes (*auloi*) and garlands' (Callim. *Aet*. frs. 3–7.18). The answer involves an interrupted sacrifice by King Minos, on hearing of the death of his son Androgeus, and also a discussion of the parentage of the *Kharites* where three more usual beliefs (that the parents were either Zeus and Hera, Zeus and Euronyme the Titan, as in Hes. *Theog*. 906–909, or Zeus and Euanthe the daughter of Ouranus) are supplanted by a local version that they were the offspring of Dionysus and a Naxian nymph, Coronis.[32]

In Spartan territory, there are two significant sanctuaries, both mentioned by Pausanias. In central Sparta, there was a sanctuary of the *Kharites* near the agora, located on the major street Pausanias calls the *dromos*, which was used as the track for the races of the young men; nearby were sanctuaries belonging to the Dioscuri, Eilythuia, Apollo Carneius, and Artemis Hegemone (Paus. 3.14.6; cf. Peterssen 1992, 60). Towards the fifth Spartan 'village', Amyclae, by the river Tiasa, there was a sanctuary of Cleta and Phaenna, the Laconian names for their two *Kharites*, who were apparently mentioned by Alcman (Paus. 3.18.6, Alcman fr. 62 Page, 223 Calame); and at Amyclae itself there were dedications to the *Kharites* and a statue of Artemis Leucophryene, the work of Bathycles of Magnesia, done when he had finished the magnificent throne of Apollo there (Paus. 3.18.9–10).

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[30] On the so-called gate of Hermes to the north-east there is a stone relief with a figure of a naked male in procession (also ca. 480 BCE) leading three draped females; their interpretation as Hermes and the *Kharites* is not certain. See Duchêne 1992, 75; Granjean and Salviat 2000, 98–99.

[31] See above all Duchêne 1992, 93–94.

[32] See on Callimachus' treatment of the Muses and *Kharites* in relation to Hesiod, and the whole structure of the *Aetia*, Fantuzzi and Hunter 2004, 51–60. Cf. also Apollod. 3.15.7; *IG* XII Suppl. 206, a second-century BCE dedication to Peitho and the *Kharites*.

At Elis, the goddesses also appear centrally, and in close relation to other leading cults, and they seem especially associated (as in the Spartan city center) with athletic young men; along with the natural emphasis on athletic contests there was evidently an explicit connection with noble pederasty. In the open-air part of the agora, there was a temple and image to Apollo Healer (Akesios), and a shrine of the *Kharites*, represented by wooden *xoana*, with the clothes gilded, and faces, hands, and feet in white marble, one holding a rose, the second an *astragalos*, and the third a small myrtle branch; on the right of the *Kharites* were a statue of Eros and a temple of Silenus (Paus. 6.24.7–8). Pausanias' account mentions also in this area of the center of the city a temple of Aphrodite Ouranias (Paus. 6.25.1), and among a number of gymnasia (built to provide training facilities for Olympic competitors) one adorned with associated altars and reliefs of Eros and Anteros (Counter-Love), the pair competing over a palm branch; there was also a sanctuary of Artemis the youth-lover (Philomeirax: Paus. 6.23.4–8).[33] Pausanias then claims that the Eleians honor Dionysus above all the gods (6.26); and Plutarch cites a hymn sung by the Eleian women calling on the god to come with the *Kharites* to his temple (Plut. *Quest. Graec.* 299A–B):

> Come, hero, Dionysus,
> to the holy Elean seaside
> temple with the Graces,
> to the temple rushing
> with your ox foot.
>
> ἐλθεῖν, ἥρ᾽, ὦ Διόνυσε,
> ἅλιον ἐς ναὸν
> ἁγνὸν σὺν Χαρίτεσσιν
> ἐς ναὸν τῷ βοέῳ
> ποδὶ δύων.

On Cos an extra-urban sanctuary is attested at Mesaria by a relief (ca. 400 BCE) featuring three *Kharites* dancing and holding hands, a male worshipper honoring them, and Pan observing from above: the inscription proclaims 'Peithanor, son of Charmis, vowed this to the Charites and dedicated it in their precinct' (*LIMC* s.v. *Charis*, *Charites* no. 24); there is also a late Hellenistic relief featuring four females and Pan (*LIMC* s.v.

[33] See Pirenne-Delforge 1994, 231–234; see also Scanlon 2002, 259–260 on the connections here between Eros and athletics, and parallels for such reliefs of Eros and Anteros wrestling; and Davidson 2007, 357–360 for interesting speculations about possible connections between these cults and Elis' public approval of noble pederasty.

Charis, *Charites* no. 42). The importance of the *Kharites* in civic life is attested by an entry in the sacrificial calendar dating after the synoikism of 366 BCE, recording the sacrifice of a goat to the *Kharites*; as Pirenne-Delforge 1996 suggests, it is plausible to see here too a connection with young men, and perhaps an ephebic oath, as in the case of the Athenian ephebes.

At Athens, there are two relevant locations. The *Kharites* had an ancient home on the Acropolis, identified by their specifically Athenian names—originally, perhaps, two, Auxo and Hegemone, with Thallo (previously a *Hora*) added to make up a triad; they were honored with statues allegedly by the philosopher Socrates (Paus. 1.22.8, 9.35.1), which is not impossible, though some prefer to attribute them to an earlier Socrates; the exact site was probably an ancient cult spot on the Nike bastion.[34] Their inclusion among Athens' central deities from at least the sixth century BCE on, and their continued connection to rites for young men, are indicated by the presence of Thallo, Auxo, and Hegemone among the deities by whom the ephebes swore their solemn oath in the Aglaurion (Rhodes / Osborne no. 88). Second, in the Hellenistic period the politically important cult of 'Demos and the *Kharites*' had its sanctuary in the far north-west corner of the agora, which became a prime site for dedicated statues and decrees to their benefactors. This sanctuary was evidently founded in the 220s BCE, when it was a significant religious and cultural development of the 'restored democracy' led by Eurycleides and Micion, as attested by a great many inscriptions.[35] But the site may have had earlier associations with the *Kharites* and Aphrodite and with young men, as Pirenne-Delforge suggests on the basis of other late third-century inscriptions: one, *IG* II[2] 2798, records the dedication by the *boulê* of an altar in the same spot 'to Aphrodite Hegemone of the demos and the *Kharites*' (Ἀφροδίτει ἡγεμόνει τοῦ δήμου καὶ Χάρισιν), and in this

[34] *LIMC* s.v. *Charis*, *Charites*, pp. 200–201, Habicht 1982, 84–93, and especially Palagia 1989–1990, Pirenne-Delforge 1994, 39, 493 ff. and 1996. According to Pausanias (2.30.2), there was a statue of Hecate Epipyrgidia by the temple of Nike, where she probably had a door-keeping role on the Acropolis (Parker 2005, 415 n. 107). This connects with Hellenistic attestations of a priest of the *Kharites* and Artemis Epipyrgidia: he had a designated seat in the theater of Dionysus (*IG* II[2] 5050) and appears also in 20 / 19 BCE among many officials linked to cults managed by the Ceryces *genos* (see Clinton 1972, 50–52; Lambert 2005, 150, 161 n. 82).

[35] *IG* II[2] 834, 844, 908, 909, 987, 1006, 1008, 1011, 1228–1230, 1236; *Hesperia* 16 170, 36 65; *SEG* 15 104, 21 476, 24 289: see Monaco 2001, *SEG* 53 16: see Habicht 1982, 84–93 and 1999, 180–182, Mikalson 1998, 172–181, Parker 1996, 272–273 and 2005, 435. On Aphrodite and Hegemone in Athens see also Pironti 2007, 201–205.

period too the ephebes now sacrifice in the *prutaneion* in the presence of the priest of Demos and the *Kharites* (*SEG* 15 104.5–8; Mikalson, 1998, 173).[36] It is thus at least possible that the *Kharites* had honors already by the classical period in two central spots in Athens, the Nike bastion at the entrance to the Acropolis, and in the north-west of the agora, later the sanctuary of Demos and the *Kharites*. Many of the *Kharites*' thematic connections seem relevant to these sites, and especially connections with Athena, Hermes, and Aphrodite: Parker (2005, 435) offers a succinct overall picture, emphasizing the complex and elusive character of the *Kharites*—their promotion of vegetable and human growth and fertility, their associations with merriment and festivity, the repayment of favors, and sexual pleasure; we might put a little more weight, along with growth and youths coming of age, on the ideals of civic harmony, festivals, and the civic democracy.[37]

All this fits well with Aristotle's treatments of the concept, as briefly mentioned above. First, in the *Nicomachean Ethics*, he describes *kharis* as a form of 'proportional' reciprocity which is central to the functioning of any community, and the basis of all forms of exchange, including monetary exchange; this, he says, explains why cities typically place a shrine to the *Kharites* in a prominent place where exchanges take place (Arist. *Eth. Nic.* 1132b29–30a6).[38] We have seen evidence that in many cities shrines to the *Kharites* were often strategically placed to reinforce the conceptual connection between types of reciprocal exchanges and civic identity and cohesion. To this association with all types of exchange between individuals we may equally add other associations of pleasures and celebrations as cities collectively worshipped their gods in the spirit of reciprocal honoring and cohesive competition. Such an extension is fully compatible with Aristotle's recognition of this essential feature of a community in the *Politics* and elsewhere; most notably he (Arist. *Pol.* 1280b34–1281a1) proclaims a proper *polis* to be

[36] There was also a *hieron* and cult of Aphrodite Hegemone in Rhamnous, and a decree honoring the general Nicomachus, 222/221, connected with ephebes (*SEG* 41 90, and cf. 41 91).

[37] The *Kharites* also appear on some sacrificial calendars: on an early calendar of an indeterminate body a pig is stipulated as an offering for the *Kharites* (*IG* i^3 234.1); the reinscribed law code of Nicomachus and his colleagues completed after the end of the Peloponnesian War prescribes a sheep worth 20 drachmae to the *Kharites* and Hermes (*SEG* 40 146, Lambert 2002, 364, 379); at Eleusis Hermes Enagonius and the *Kharites* get a goat (IG i^3 5.3) (cf. Austin and Olson on Ar. *Thesm.* 300), and see in general Pirenne-Delforge 1996, 198.

[38] See also Millett 1998, 231–232.

> the sharing (*koinônia*) in the good life for households and family groups (*genê*), for the sake of a full and self-sufficient life; this will not happen unless the people live in one and the same place and employ intermarriage; this is why kinship ties (*kêdeiai*) occur in the *poleis*, and phratries, sacrifices, and the pleasant activities which bring men together. Such an effect is to do with friendship, as friendship is the aim of living socially: the goal of the *polis* is the good life, and these occur for the sake of this goal.

At moments of *stasis*, of crisis or change in the politics and institutions in Greek states, it is only to be expected that immediate attention would be paid to the need to rebuild confidence and civic cohesion, or at least to proclaim that as the goals of a new regime. The rest of this chapter is devoted to discussion of cases where one can find plausible instances of attempts to rebuild civic harmony after *stasis* and regime change through what can be seen as an appeal to the spirit of the *Kharites*: in more practical terms, one will be looking for a combination of changes in tribal or other internal structures and in festivals and associated contests, designed to facilitate the sorts of reciprocal, friendly, and enjoyable exchanges between citizens, at *polis* or sub-*polis* level, of the sort which most Greeks agreed with Aristotle constituted important parts of the good life.

3. *Changes in* polis *structures and changes in festivals*

3.1. *Sicyon from Cleisthenes to the end of the sixth century* BCE

Herodotus' accounts of the sixth-century BCE tyrant Cleisthenes of Sicyon, the grandfather of his Athenian namesake, are among the earliest examples of possible connections between regime changes, tribal changes, and reconfiguration of choral performances (Hdt. 5.67).[39] Admittedly, it has proved very hard to work out a convincing scenario for whatever historical events may have lain behind this bizarre and hostile narrative of tribal and other internal reforms. The creation of four new tribes, three of which allegedly had 'demeaning' names relating to pigs, sows, and asses, the transfer of heroic honors from Adrastus to Melanippus, and the transfer of 'tragic choruses' from Adrastus to Dionysus, have all proved baffling, and despite much ingenuity in recent years, no satis-

[39] Cf. Kowalzig 2007b, 221–251.

factory overall solution has emerged which makes sense of Herodotus' account, and of other indications of political and cultic developments in sixth-century Sicyon. For example, Andrewes (1956, 57–61) treated the changes of tribal names as the primary case of a tyrant exploiting the 'racial factor' in mutual support with the pre-Dorian oppressed minority; Jeffrey (1976, 164–165) and Parker (1994) suggested that the tribal names were originally non-insulting topographical indicators, which became corrupted over time, Osborne (1996, 183) that the new tribal names were based on parallels with other sub-ethnic groups such as the Meropes, Dryopes, and Leleges ('Bee-Eaters', 'Woodpeckers', and 'Storks') and that Cleisthenes' aim was to root the Sicyonians in the even more remote mythical past than such figures as Adrastus, while van Wees (2003, 38–40) argued that they were intentionally insulting terms given to the conquered people of Pellene and other surrounding towns, who were made serfs of the Sicyonians (surely a hypothesis vulnerable to the argument that it was unlikely that the powerful rulers of the Sicyonian state would be restricted to one tribe, while the serf-like defeated peoples of the coast had three). I have no wish to express a preference or offer a new theory; I have much sympathy with the view now argued in detail by Forsdyke (forthcoming) that considerable distortion of Cleisthenes' changes and motivations occurred through multiple misrepresentations imposed by later hostile oral traditions; it may well be the case that there has been a process of conflation of a number of different changes at different times, producing an oversimplified and misrepresented ascription of a wide variety of policy changes to the dominant figure of the arrogant tyrant. My concern here is to hold on to at least one element in Herodotus' account, his deliberate juxtaposition—often derided—of Cleisthenes with his homonymous grandson linked by the striking fact that in both Sicyon and Athens there were—apparently simultaneously—radical changes in the structure, names, and powers of the main tribal divisions and in the organization of civic choruses at festivals. The most secure element in the account of tribal changes, because it is the latest in time, is arguably the restoration (or perhaps creation) of the three Dorian tribes (Hylleis, Dymanates, and Pamphyloi) along with a fourth tribe (Aigialeis), said to have occurred sixty years after the end of the tyranny, perhaps therefore towards the end of the sixth century. If, as now seems quite likely, this fits the pattern evident elsewhere, of Peloponnesian states increasing their explicit Dorianizing by adopting the three tribal names which were becoming standard, it is then also quite likely that they reinterpreted the earlier tribal names (which may well

have been local names, or sub-ethnics) as demeaning and replacing the 'original' Dorian names, and attributed the former names to a now disgraced tyrant.

Similarly, it is hard to accept as presented Herodotus' account of the choral changes, under which, through hostility to Argos and its festivals and shrines, sacrifices and festival practices were transferred by Cleisthenes from the 'Argive' hero Adrastus to the Boeotian Melanippus and the 'tragic' choruses (presumably in fact some form of dithyrambs) to Dionysus. The complete abolition of all cult (and hence choral songs) to a major hero with an important part in Sicyonian pseudo-history seems implausible (and was certainly not lasting). The Herodotean account assumes a long-standing hostility between Cleisthenes and both Delphi and Argos; but other evidence (however unreliable in detail) gives a different picture, of Cleisthenes' participation in the First Sacred War, 'restoring' Delphic integrity, and his receipt of a share of the spoils (*Schol. Pind. Nem.* 9.1). Pausanias (10.7.6) records a tradition that Cleisthenes was the first winner of the chariot race in the inaugural Pythian games, traditionally dated after the Sacred War and the fall of the Corinthian tyranny.[40] Pindar (*Nem.* 9.1–20) attributes the founding of the Pythian games at Sicyon to Adrastus, and the *scholia* explain that it was Cleisthenes who instituted these games, and Pindar ascribed them to Adrastus by 'poetic licence'. There are surely, underlying this simplistic and unconvincing picture, popular memories of the competitive introduction of new festivals with more varied musical and athletic contests at Sicyon, very probably more than once, during the sixth century (i.e. both some inspired by Cleisthenes and others by successor regimes); this would fit general patterns found elsewhere, of peer-polity interaction and rivalry. (e.g. D'Angour 1997, 337; Hubbard 1992). Perhaps then what lies behind the two-stage Herodotean account of tribal changes and transference of choral honors from Adrastus and back again is that, first, Cleisthenes (or another member of the tyrannical family) effected some tribal reorganization and introduced dithyrambic songs from Corinth for Dionysus, perhaps with wider participation and hence a slightly more democratic ethos, as well as developing the Pythian games at Sicyon, in rivalry with Argos; and then, after the fall of the

[40] If that victory did survive to get into the Aristotelian records, it (and the memory of a Delphic insult) may be the (only) bases of the later elaboration of his role in the First Sacred War; but of course it may also be part of that elaboration (so Davies 2007, 51).

tyranny, when Sicyon became allied to Sparta as what we call the Peloponnesian League was formed, the Dorian tribes were introduced (or reintroduced) and Adrastus instituted as the founder of the Sicyonian games and a major *polis* hero (as celebrated in *Nemean* 9), equally in competition with Argos.[41] Thus we should very probably see here repeated instances of social or political change in a city as a function both of tribal changes and of reconfigurations of choral and other competitions, especially the increasing centrality of Dionysus to the religion of the *polis*.

3.2. *Corinth*

Another state ruled by tyrants where tribal and other changes may have influenced the Athenian Cleisthenes is Corinth. At some point the Corinthians introduced a new tribal system, whose complexity can seriously be compared to that of Cleisthenes, as has been effectively done by Salmon (2003). Corinth also saw much innovation in cyclic choruses. The new tribal system had an eight-based structure: this was arguably designed to mix the citizen population up in order to break down geographical divisions, and hence formed a close parallel to that of Cleisthenes. The exiguous evidence is constituted by the Suda's entry on 'eight of everything',[42] a fragment of Nicolaus of Damascus, and a number of fifth- to third-century inscriptions which present the civic identities of individuals. As interpreted plausibly by Stroud (1968) and developed by Salmon (2003), whom I follow in outline here, citizens were identified as belonging to one of eight tribes,[43] each tribe having members from three regional areas plausibly designated as 'the city': *Fastu*, 'within' (*entos*)—i.e. probably south of the Isthmus, and 'beyond' (*peran*)—i.e. the north

[41] On competing Argive / Sicyonian musical claims in the sixth century see Kowalzig 2007a, 129, 152–153.

[42] S.v. 'eight of everything': 'Some say that Stesichorus was buried expensively in Catana by the gates called after him the Stesichorean gates, and his memorial had eight columns, eight bases (?), and eight angles (?). Others say that Aletes, in accordance with an oracle, synoikizing the Corinthians, made the citizens into eight *phylai* and the whole city into eight parts' (πάντα ὀκτώ· οἱ μὲν Στησίχορόν φασιν ἐν Κατάνῃ ταφῆναι πολυτελῶς πρὸς ταῖς ἀπ' αὐτοῦ Στησιχορείοις πύλαις λεγομέναις, καὶ τοῦ μνημείου ἔχοντος ὀκτὼ κίονας καὶ ὀκτὼ βαθμοὺς καὶ ὀκτὼ γωνίας. οἱ δέ, ὅτι Ἀλήτης κατὰ χρησμὸν τοὺς Κορινθίους συνοικίζων ὀκτὼ φυλὰς ἐποίησε τοὺς πολίτας καὶ ὀκτὼ μέρη τὴν πόλιν).

[43] Designated by a two-letter abbreviation, e.g. KU for the *Kunophyloi*, named by Hesychius s.v.

side of the Isthmus. There were further subdivisions and there is some evidence for continuity of older tribes and *phratrai*. Each of the eight tribes perhaps had half its members from the city, and a quarter from each of the other two areas.

The date of the introduction of this new tribal system is uncertain. Salmon argued for an early date, under the tyranny of Cypselus some time during the seventh century (Salmon 1984, 205–209; 2003, 225–227); this seems too early and it would be more appropriate in my view to locate it in the sixth century, at the end of the tyranny, as is suggested by Nicolaus of Damascus (*FGrH* 90 F 60)—though his support may not be worth that much.[44] The moderate oligarchy which followed the tyranny is very likely to have felt the need for a vigorous new start, as did Cleisthenes at Athens, seeking a more complex unity by mixing up three different regions, each into all of the eight tribes (which were probably balanced between half-city, half-outside).

To connect such changes precisely with significant developments in the cultural and musical spheres is not possible, given the chronological uncertainties of almost all the developments concerned. One can note however that Corinth, both under the tyranny and subsequently, claimed innovation and significance in the history of choral singing and competition, especially in cyclic poems and the dithyramb. According to Herodotus (1.23), Arion of Methymna was 'a kitharode second to none and the man who composed the dithyramb first of those we know of, named it, and produced it in Corinth'.[45] This is matched by a brief phrase in Pindar in his list of Corinthian inventions: *Ol.* 13.25–26 'where did the *Kharites* of Dionysus appear with the ox-drawn dithyramb', ταὶ Διωνύσου πόθεν ἐξέφανεν σὺν βοηλάτᾳ χάριτες διθυράμβῳ; and the explanations in the *scholia* (on Pind. *Ol.* 13.26b): 'The *Kharites* of Dionysus' dithyrambs first appeared in Corinth, that is the most important of Dionysus' dithyrambs first appeared in Corinth: the dancing chorus was seen there: Arion of Methymna set them up first, then Lasus of

[44] 'The demos destroyed the houses of the tyrants and confiscated their property; threw Cypsolus [apparently the official name for Periander's son also called Psammetichus] out unburied, and opened up the tombs of his ancestors and expelled the bones. It immediately instituted (?) the following constitution: it set up a body of eight *probouloi* and from the rest selected a *boulê* of nine men ⟨?from each tribe⟩ or a boule of ⟨nine *oktades*⟩' (Jones 1980, 186–187, replacing τῶν ἀνδρῶν with ὀκτάδων).

[45] The Suda (s.v. Arion = Ierano 1997, Test. 48) adds that he was the first to establish the *khoros* and sing and call what was sung by the chorus the dithyramb; cf. also Proclus, Photius, Aristophanic *scholia* and Tzetses, in Ierano 1997, Test. 49–53.

Hermione.'[46] All this need not be seen as a claim that Arion 'invented' the dithyramb as such; many later discussions view the dithyramb as a traditional song for Dionysus (Ierano 1997, Test. 1–45); above all there is the direct testimony of Archilochus (fr. 120 W), that 'I know how to lead off the fine song of lord Dionysus, the dithyramb, when my wits are thundered by wine'. On most chronological assumptions Archilochus would have been active during the middle to late seventh century, while Herodotus places Arion at Periander's court (conventional date ca. 620–587 BCE).[47] But it is plausible that while Archilochus (and others) used to perform Dionysiac songs on the move, as leaders of largely improvisatory groups of singers, Arion was the first to compose and rehearse a chorus, who would perform a choral song and dance in set spots, possibly along the route of a procession;[48] it was then that such a formal choral song was named a cyclic chorus, many cases of which were also called dithyrambs.[49] What emerges is that through the sixth century Corinth attracted the leading poets and choral organizers, and became known for innovations in choral song and dance, and possibly too for the introduction of new forms of choral contests.[50] It is at least a plausible hypothesis that transformations of tribal organizations at the start of new types of regimes brought with them new forms of choral competitions, to foster the spirit of cohesion in the (allegedly) more law-abiding and reasonable oligarchy. In the early fifth century, the connection between choruses and the fight against *stasis* can plausibly be seen in the brief fragments of Pindar's dithyramb for the Corinthians (Pind. fr. 70c = *P.Oxy.* 1604; see Wilson 2003, 171–176).

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46 See also Nagy 2007, 123; for Corinth's fame in musical events cf. also Ath. 350b–c.

47 But see Shaw 2003 both for the uncertainties over the meaning of *gignomai* in chronographic writers (esp. 78–80) and in general for serious doubts about the consistency of Olympiad reckoning.

48 *Choron stêsai* here may then imply 'establish a chorus which danced in the same spot, not in a procession, rather than just, as often in classical texts, "assemble a chorus" ' (D'Angour 1997, 350 n. 109); see also Csapo 2003, and Csapo and Miller 2007, 10–12, on suggestions that Arion was supposed to have his chorus imitate the dolphins' circular play (Suda s.v. Arion; Plut. *Mor.* 160E).

49 Some sources saw this as the origin of tragic songs (e.g. John the Deacon, on Hermog. = Solon fr. 39 [Gent. Pr.] = *TGrF* I T9 says that Solon in his *Elegies* says Arion 'first introduced *to drama tes tragodias*'). Cf. Csapo and Miller 2007, 10–11.

50 See also Nagy 2007, 123; Steinhart 2007, 209–213; Kowalzig 2007b, 221–251.

3.3. *Cyrene*

The foundation of Cyrene, according to the ancient traditions, was carried out by settlers and the founder, Battus, from Thera probably in the second half of the seventh century BCE; evidently the inhabitants believed that the Theraeans had originally come from Sparta, and that the Cyrenaean cults reflected these origins (cf. Hdt. 4.150–159, Callim. *Hymn* 2 71–96 and the fourth-century document which presented the city's later traditions, ML 5). Osborne's generally well founded skepticism concerning the simplified and often invented ancient narratives of the archaic settlements (Osborne 1996 and 1998) casts doubt on many of the details, but it remains likely that some important elements of Cyrenaean organization and cult practices were close to, and even actually derived from, Spartan and Theraean precursors (cf. Malkin 2003). It is possible that there were from the beginning many others besides Theraeans there, and even more likely that as Herodotus says significant new waves of immigrants joined the settlement in the early sixth century (Hdt. 4.160). After a period of wars with their Libyan neighbors, and internal *stasis* involving disputes between the brothers, Battus III brought in an outside lawgiver, Demonax of Mantineia, who recommended a major reorganization of the tribes and of land and religious organizations and privileges (Hdt. 4.161–162). It is likely that, as Robinson and Holkeskamp argue,[51] the reference in Aristotle (*Pol.* 1319b20–28) to reforms at the time 'people established the democracy' is referring to the same process as Herodotus' account of Demonax. Herodotus' brief account has Demonax merely dividing the people into three tribes, reflecting the different, presumably conflicting, ethnic categories of Theraeans, Peloponnesians / Cretans and Islanders; Aristotle's account, comparing Demonax to Cleisthenes of Athens, plausibly suggests a more complex new structure, mixing the populations up, and creating new subgroups (such as tribes and phratries), with the intention of undermining existing religious associations with their existing divisive loyalties. It is then attractive to suppose that the subgroups named *patriai* and *hetaireiai*, which appear at Cyrene in Ptolemy I's *diagramma* in the early Hellenistic period (*SEG* 9 1944.1), were created by these reforms. Herodotus' equally brief hints of a reorganization of religious spaces and rituals, leaving only some *temenê* and *hierosunai* to the King while opening up everything else to the people

[51] On Demonax of Mantineia see Holkeskamp 1993; Robinson 1997, 105–108; Walter 1993, 145–149.

(*es meson*), are compatible with the Aristotelian picture of a combination of tribal and festival reorganizations; one may suspect similar aims of diminishing their previously existing loyalties based on perceived origins or ancestral privilege by getting the people to mix with each other in civic and religious activities. The most famous festival at Cyrene, which was likely to have been reorganized at this time, was the Carneia for Apollo, which preserved the Cyrenaens' supposed links with Sparta and the Peloponnese (attested by Pind. *Pyth.* 5, 72–81, Callim. *Hymn* 2 71–96); inscriptions from the later fourth century on (*SEG* 9 33; 48 2052), supported by Callim. *Hymn* 2 85–87, recently discussed by Cecarelli and Milanezi (2007, 195–204), suggest that the dithyrambic and tragic choruses attested were organized using the three tribes (the number three recurs frequently—choruses, officials, heralds, guards); how the more complex subgroups may have been involved as well remains unclear.

3.4. *Camerina and musical harmonies*

At Camerina in Sicily intriguing connections are opened up by the exciting recent find of an archive of 142 *tesserae*, where individuals had their civic identities recorded through their membership of new phratries (Cordano 1992). Unlike the usual patterns elsewhere, these phratries were not named after places, heroes, or ancestors, but, in what has been labeled as a striking example of 'Greek rationality' (Murray 1997),[52] they were designated almost completely by numbers—numbered both from the start and from the end; they were also subdivided into units called *triakades* and *hikades*. The introduction of this new system may be dated to some time between the later sixth and the mid fifth centuries, and must have had some—as yet obscure—relation to the turbulent history of Camerina, which was punctuated with sackings of the city and transfers of populations and refoundations (Hansen and Nielsen 2004, 202–205). The tablets attest at least one radical new start, with the creation of numbered phratries for the civic division of the city. The precise purpose of the lead tablets is not yet clear, and it seems hard to choose between

[52] Cf. also Murray's defense of his and Hansen's view of the Greek city as essentially 'rational' rather than a fundamentally 'religious' organization (Murray 1990; 2000, 240–242). Perhaps the gap between the alternatives can be reduced by the argument that many Greek communities expected their gods to be ready to accept changing—often radically new—patterns in membership of divine groups and cult organizations, if the changes were thought by most citizens to serve the interests—and above all the security and cohesion—of the city (cf. Parker 2005, 452–454).

competing theories: allotment for offices (Cordano 1992), for receiving Assembly pay (Manganaro 1995, 101–102); as a record of a man's citizenship, protected by a god, only to be consulted occasionally as proof of membership in a dispute (Murray 1997); as a record of military service, e.g., as hoplites (Musti 1994—cf. the Athenian cavalry archive); or a record of those who had contributed to some fund or cult activity (Robinson 2002). In the light of this uncertainty, one cannot be sure that the archive demonstrates an active democracy, as it may not have been used for office-participation or pay. It does however suggest a concern for a careful record of citizenship and phratry membership, as well as a bold preparedness for a clean start. What is interesting here is the fact that the first and last phratries have a different (if equally non-traditional) pattern: instead of numbers as designations as the other phratries had (namely 2 to 18), we find terms with heavy musical overtones (see Cordano 1994, 418–426 and Helly 1997, 365). The first is called *hupatê* and the last is *nêtê*, which can be translated as 'highest' and 'most recent' but which are also names applied to lyre strings, the highest and the lowest;[53] hence the first and the last of the city-divisions are labeled according to the ideas of musical harmony.[54] The idea seems to be that the new phratries were all equal, distinct, but comparable, and fitted together in the new system to make graceful music together.[55] Thus the only element of content in the new names of the phratries has nothing to do with pre-existing heroes, ethnicities or locations, but serves to connect the system as a whole to the most traditional of community cultic activities.

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[53] On the detail of Greek conceptions of the lyre and its strings in relation to these documents see Helly 1997, 369–382.

[54] One may compare here those many cases where poets played on the double meanings of the term *nomos*—law or custom and musical melody or more specifically the 'nome', a genre of orderly musical composition (e.g Aesch. *Ag.*153, 1142, Eur. *Or.* 1426–1430, Timoth. *Pers.* 240). The fundamental idea is perhaps that a proper musical composition is an example of the traditional order which holds society together. The theoretical conception is elaborated by many later conservative critics (most notably Plato, *Laws* 700, 722): see Csapo 2003, 236–241.

[55] There exists also the distinctively more private *tessera* of Thrasys the Emmenid (no. 6), but interpretation is hampered by the uncertainty of readings. On one reading—'Thrasys of the Emmenidae is the best singer of all the Doristomphoi'—κεας Θράσυς Ἐμμενίδας Δοριστόνφον ἁπάντον ἐστὶ ὑπέρτατος ἀείδον—Thrasys expresses his pride in singing as a member of what appears to be a proud and aristocratic social group (so Murray 1997); however, what may be a preferable reading replaces the reference to singing contests inside social groups with a general claim to spearmanship: 'Thrasys of the Emmenidae is better with his spear than the arrows of all the boasters',—κεας Θράσυς Ἐμμενίδας δορὶ στόνφον ἁπάντον ἐστὶ ὑπέρτατος ἀκίδον (so Cassio 1994; see also Musti 1994, *SEG* 44 758, and Wilson 2007, 352 n. 5).

We can find parallels for this idea that the ideal of civic harmony could be fostered by using the language of lyre strings to designate civic organization or civic space. An excellent case is provided by Thebes, where, as Pausanias was told, nomenclature and myth point in a similar direction: 'They say that the Neistan gates were named for this reason. They call the last string on lyres the *nētē*; they say that Amphion invented it at these gates (Paus. 9.8.3–4)'.[56] There were also the 'highest' gates (*hupsistai*: perhaps with the same meanings here as *hupatê*). Amphion was the musician hero who built the Theban walls through the power of his lyre (Hes. *fr.* 182, E. *Antiop*. fr. 223 ll. 90–103). Euripides' play *Antiope* ended with the prediction of this magical building of the Theban acropolis and walls with their seven gates by the twins Zethus and Amphion at last acting in concert (E. *Antiop*. fr. 223. 85–103), after the ending of rule by a cruel tyrant and many killings.[57] Many other Theban myths, for example those involving Cadmus, Apollo, and Harmonia, and their exploration in choral poetry, also suggest lasting connections of thought between music and the stability and harmony of the city: cf. Pind. *Pyth*. 3.91, 11.1–16, *Dith*. 2 = fr. 70b; fr. 29.6; Kowalzig 2007a, 372–380. At Tenos, divisions of the city were known as seven *tonoi*; in view of these other cases, the point of the term is much more likely to have been the idea of the harmony of the lyre strings than (as some have suggested) of stretched boundary ropes.[58]

3.5. *Argos*

Argos and the Argolid were also famous for their musical and choral traditions from the sixth century onwards.[59] It is becoming steadily clearer that in the early fifth century, after her massive defeat at Sepeia, there took place a number of significant political reorganizations and at least one major tribal reform, which all ended with the establishment of a stable democratic regime, based on enlarged access for previously suppressed

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[56] τὰς δὲ Νηίστας ὀνομασθῆναί φασιν ἐπὶ τῷδε. ἐν ταῖς χορδαῖς νήτην καλοῦσι τὴν ἐσχάτην: ταύτην οὖν τὴν χορδὴν Ἀμφίονα ἐπὶ ταῖς πύλαις ταύταις ἀνευρεῖν λέγουσιν. The Neistan gates are mentioned also at E. *Ph.* 1104, though many hold that this whole section of the speech is an interpolation (e.g. Diggle 1994 and Kovacs 2002).

[57] But there remained clear hints that this would not bring lasting harmony either to Thebes or to Amphion's family. On all this see Wilson 1999 / 2000, 440–449, Wilson 2004, 280–281.

[58] *IG* XII.5 (2) 872, following Cordano 1992; Etienne (2002, 21–23) is tempted to follow Martin 1974, 205 in seeing it rather in terms of 'stretching ropes' to mark out territory.

[59] Hdt. 3.131 and other sources cited by Kowalzig 2007a, 129.

groups, and a process of 'synoikism' which strengthened Argive control over the Argive plain. These changes may all be linked to our evidence for a wide program of reorganization of festivals and invented myths and traditions, celebrated in choral song. For the political reorganizations, evidence from the mid fifth century BCE on, including the major financial archive to be published by C. Kritzas, firmly attests four tribes (the new Hyrnathioi added to the three Dorian tribes Hylleis, Pamphyloi and Dymanes), new subdivisions of twelve phratries per tribe, as well as a separate designation of citizens by a toponym (*pentêkostos* or *kōmê*), in such a way that *kōmai* were not simply subdivisions of phratries; and a large number of separate political and financial magistracies (Kritzas 2006; also Piérart 1985 and 2000). This reorganization (or process of reorganizations) thus involved a considerable increase in the complexity of citizen subgroups and in wider 'democratic' participation and accountability, and in these respects it may reflect the influence of Cleisthenes' reforms in Attica, with a conscious attempt to mix the citizens up in new formations.[60] Perhaps even more strongly than in Athens, a further aim may have been to ease the incorporation of new members, since the sources are insistent that political changes in this period were linked with the rise to citizenship and power of previously dishonored groups; the details remain frustratingly unclear, as the sources label the new citizens variously slaves, *gumnêtes*, or *perioikoi*, and the sequence and chronology of events cannot be recovered. But it seems clear that even after those originally exiled (the 'sons of the slain') apparently returned, a democratic system remained in force, and the incorporation of cities such as Tiryns and Mykenai perhaps brought citizen rights to at least some of their members.[61] Recent work has brought out very well the complex ways in which renewals of cults and festivals, under Argive control, in this period at Argos, Nemea, Asine, the Heraion at Prosymna, and elsewhere, and concomitant (re)writings of myths, are all reflected in a number of surviving and fragmentary choral poems among the corpora of Pindar and Bacchylides.[62]

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[60] With the difference that here the phratry is the main new subgroup by which citizens are encouraged to be known: see Piérart 2000, 298–300.

[61] Hdt. 6.77–83, Arist. *Pol.* 1303a7–10, Diod. Sic. 12.75.7, Paus. 2.20.8–10, Plut. *Mor.* 245D–F; see Robinson 1997, 82–88, Kowalzig 2007a 161–168.

[62] Cf. Kritzas 1992; Hall 1995; Morgan 2007; Kowalzig, 2007a 129–180 and 2007b, 226–230.

3.6. *Eretria*

Eretria suffered constant *stasis* from 371 BCE on, with regular interference from Athens, Thebes, and Philip II. Around 340, Cleitarchus, a 'tyrant' allegedly supported by Philip, was ejected, and a brief league was formed with Chalcis and Histiaea. A number of decrees over the next thirty years combine to present the ideological stance of Eretria from this point on as a resolute democracy whose developing institutions form interesting parallels with those of Lycurgan Athens across the straits. An anti-tyranny law ca. 340 (*IG* XII.9 190) stipulates honors for those who kill a tyrant and their descendants, comparable to the one of much the same date at Athens (Rhodes / Osborne 79, 337 / 336). Not much later, some years before the Lamian War, as has been argued persuasively by Chankowski (1993), an official *ephêbeia* for all citizen youths was established which remains well attested in the third century BCE (*IG* XII.9 191 = *SEG* 30 1094; *IG* XII.9 240, 243, 249, Suppl. 555); this too may well have been modeled on the Athenian institution as it was revised ca. 336 BCE.[63] Much the best indication of the spirit of the new regime, and the most relevant document for my argument here, is the decree of ca. 340 authorizing the substantial expansion and splendid management of Eretria's major festival for Artemis at Amarynthus, with abundant prizes for contests in instrumental music, singing, and poetry, including the rare performance of parodies (*IG* XII.9 189 = Rhodes / Osborne 73). The manifesto statements at the start and the end of the inscription make clear the connections felt between the festival, widespread participation, and the new and independent political system (ll. 2–3 and 41–45):[64]

> in order that we may celebrate the Artemisia as finely as possible and as many as possible may share the sacrifice . . .
>
> . . . The contestants in the musical competition are all to join in the procession, so that the procession and the sacrifice shall be as fine as possible. Inscribe this inscription on a stone stele and erect it in the temple of Artemis, so that the sacrifice and the music for Artemis shall be performed in this way for all time, as long as the Eretrians are free, prosperous, and autonomous.

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[63] Cf. Knoepfler 2001b, *Appendix* 1, arguing persuasively for a date of ca. 335 for the transfer of Oropos to Athens, in relation to the Lycurgan major strengthening of the Athenian *ephêbeia*.

[64] See Knoepfler 1997 and 2001a.

At the end of the century, another inscription (*IG* XII.9 192 = *LSS Suppl.* 46) records a decision to commemorate the departure of a Macedonian garrison, and the liberation of the demos and reintroduction of the democracy, which coincided with a *pompê* at the Dionysia: the commemoration was to take the form of ivy crowns to be worn at the festival in future by all citizens and resident foreigners, and (probably, as the text becomes fragmentary) the institution of additional (cyclic?) *khoroi* (Wilson 2003, 180, also 190 n. 73; Lewis 1990).[65] All these developments are of course parallel to the better-known contemporary developments in Lycurgus' Athens. In both places, at least in this period, there seems a very strong connection between celebrating and strengthening 'democracy' and putting more resources into festivals, the military and civic education of young men, and patriotic appeals to outsiders.[66]

These case studies support the implication of Aristotle's view that the social power of reciprocal *kharis* and its divine representatives could be expected to operate in regimes of all political types, monarchies / tyrannies, oligarchies, and democracies. *Kharis*-relationships were felt to operate among and between people of all social classes; and the benefits of *kharis*-relationships created through the widespread public sharing in the enjoyment of festival contests could mitigate class tensions regardless of where the final power in the state lay. In the *Politics* Aristotle (*Pol.* 1297b7–11) gives detailed advice to oligarchies that wish to be stable not to upset the poor by seriously dishonoring them (*hubrizein*) or removing their property, either of which, he holds, would upset them more than deprivation from political honors (themselves designated as *timai*); but he adds cynically that this is not easy as those who share in political power are 'not always cultivated men' (*kharientes*). Here one may argue that the specific adjective invokes a number of associations of *kharis*, above all the implication that arrogant and powerful men all too often fail to realize the need to establish good will through fostering reciprocal *kharis*-relationships in public and private life, and pursue their own honor and greed at the expense of the strong feelings of fairness and personal honor even among the poorest members of the community.

[65] Cyclic choruses at the Eretrian Dionysia are attested earlier in *IG* XII.9 196.13–17, ca. 319 / 318 (Knoepfler 2001b, 177–184).

[66] On the varied renewals of cults and contests in Lycurgan Athens see Faraguna 1992; Parker 1996, 242–255; Humphreys 2004, 83–87, 110–114; Lambert 2005.

There is then no necessary connection between reforms of tribal schemes and of festivals and the development of any particular political ideology, tyranny, oligarchy, or democracy. Social cohesion achieved through competitive celebrations of the *polis* could be an ideal or at least a propaganda claim for all types of political groups. In most of the cases discussed so far, the degree of success in actually achieving a greater sense of civic unity and cohesion between diverse social classes or regional groups is not easy to assess. The relative longevity of each new regime, or the swiftness of a return to *stasis*, might be a clue; but of course so many other factors, internal and external, will have been involved. We can note that Sicyon's early sixth-century changes did not prevent the fall of the tyranny and a consequential reorganization (perhaps aided by Sparta); but thereafter the later, presumably oligarchic, regime lasted well enough, as long as it was protected by the hegemonic power of the Peloponnesian League, with brief outbreaks of *stasis* in 417, 375, and the 360s.[67] Similarly, if the Corinthian tribal reforms were part of the establishment of a new, moderately oligarchic, regime, these changes too were pretty successful, as the oligarchy enjoyed a lasting stability, and was only very occasionally interrupted by *stasis*, in 392–386 and 366.[68] The wealthy Thasian oligarchy of the later sixth and early fifth centuries was presumably replaced by some form of democracy after the revolt from the Delian League in the 460s, and was constantly involved in wars, *stasis*, and regime changes from the last stage of the Peloponnesian War and the early fourth century.[69] At Cyrene the monarchy survived for some time after Demonax, became 'democratic' in the mid fifth century, and suffered some *stasis* until the time of Alexander;[70] like many Sicilian cities in the time of their tyrants, Camerina suffered further wars and depopulations;[71] after ca. 460 Argos had a stable democracy until the upheavals of the Peloponnesian War, and the fierce *stasis* of ca. 370;[72] while at Eretria, after much *stasis*, the democracy installed ca. 340 lasted quite well into the third century.[73] All this suggests, not surprisingly, that if external conditions permitted, both moderate oligarchies and democracies could be effectively established and last for some time,

67 Cf. e.g. Hansen and Nielsen 2004, 469–470.
68 Cf. e.g. Hansen and Nielsen 2004, 467–468.
69 Cf. e.g. Hansen and Nielsen 2004, 778–780; Meiggs 1972, 570–578.
70 Cf. e.g. Hansen and Nielsen 2004, 1244–1245.
71 Cf. e.g. Hansen and Nielsen 2004, 202–205.
72 Cf. e.g. Hansen and Nielsen 2004, 604–605.
73 Cf. e.g. Hansen and Nielsen 2004, 653–654; Knoepfler 2001b.

but that external conditions rarely allowed this to occur, especially for medium-sized or smaller *poleis* caught up in wider power struggles.

There is, however, some a priori plausibility in the supposition that if the nexus of new social organizations and festival competitiveness was heightened by genuinely increased participation by many citizens both as contestants and as audiences, and if at the same time political participation was being effectively fostered by more democratic political institutions, a mutually fruitful reinforcement of processes could exist which might contribute greatly to political stability. This hypothesis can best be tested in detail in the city for which we have most evidence, Athens.

4. *Cleisthenes of Athens and the effects of the tribal reforms*

At Athens the main innovative figure is the Athenian Cleisthenes. As already suggested, I hold (with Wilson 2003) that Herodotus' parallel with his grandfather should not be simply rejected as trivial (as is often done), and (with Salmon 2003) that there is an interesting parallel with Corinthian reformers. The starting point for the Sicyonian parallel is that radical reorganizations of tribal organizations were often combined with changes to festival contests as part of a program to transform the state. I have treated the Cleisthenic and later changes in festival competitions in detail elsewhere (Fisher, forthcoming [b]), arguing (in particular against David Pritchard and Nicholas Jones) that Cleisthenes' new system of tribes, trittyes, and demes had the intended effect of a greatly increased level of competition in contests for citizens in their demes and in *polis*-wide competitions, many tribally organized, and that this level of participation could only have been met over the next two centuries or so if contributions as chorus men in cyclic and dramatic choruses, as athletes, and as dancers included many from classes well beyond the rich elite of liturgy-performing families. I argue that this steady increase in competitions and competitors encouraged the growth of more democratic practices and the breakdown of previously strong territorial divisions through the loyalties created by the ten tribes and the demes, whose operations were carefully restricted to specific functions in the land army, the administration (especially the council of 500 and its boards), and in the festival contests: thus it all aided the creation of more cohesive relations between rich and poor citizens, and across the whole territory of Attica.

I also argue that such a wide participation, especially in the choruses, was generally (though not universally) recognized by contemporary and later observers, who also understood the importance for the functioning of the state of the liturgy system, the system that persuaded the richest Athenians to contribute their money and personal commitment to festival contests in which many non-elite Athenians participated, through a combination of compulsion, and encouragement by the mechanism of reciprocity which offered honor(s) in exchange for lavish displays. Acceptance of this would in my view offer support to the claims of Cleisthenes' reforms to be seen as central to the development of democracy (cf. Ober 1998, and Raaflaub, Ober and Wallace 2007; Cartledge 2009, 55–64), in contrast to those who give primary credit to the Ephialtic / Periclean reforms (e.g. Raaflaub 1998 and in Raaflaub, Ober, and Wallace 2007; Anderson 2003, 76–84). In fact the long-term effects of Cleisthenes' reforms in creating tribal competitions cutting across class and regional divisions seem to me often to fail to get their due in both ancient and modern traditions, in part through neglect of the broader cultural picture in contrast to a concentration on more narrowly conceived constitutional developments.

To approach a fuller assessment of the social value of these festival contests under the aegis of the *Kharites*, it is appropriate to consider some relatively abundant echoes which have come down of debates in post-Cleisthenic Athens, and the contested discussions they provoke among modern scholars. Competitive displays in music, song, drama, dancing, and running were organized and lavishly financed by elite *khorêgoi* and gymnasiarchs, as well as by state coffers and state officials; they were performed each year by several thousands of citizen participants, and were enjoyed by audiences of several more thousands of citizens (many no doubt rooting for their own tribal teams). On the one hand, no doubt many rich men resented the pressures to contribute so much and so often.[74] It could frequently be claimed in speeches delivered before a popular lawcourt that festival liturgies were of less importance to the community than expenditure on trierarchies, *eisphorai*, and voluntary contributions to fortifications and the like;[75] and many philosophical texts

[74] Xen. *Oec.* 2.4–8 is the best known expression of these views.

[75] See e.g. Dem. 1.19, 4.4, 20.18–20, and Aeschin. 3.240. Liddel (2007, 269–270) exaggerates the extent to which these passages were intended to undermine the civic value of choregic expenditure as such.

express the view that such substantial expenditure on the less useful festival contests, rather than of war preparations, were unjustifiable extravagance.[76] At times too such competitiveness could inspire dangerously strong emotions of rivalry and enmity between the liturgists, often connected to their pre-existing disputes played out in the Assembly and the courts, and this occasionally spilled over into violence (most famously, for example, in the controversies involving Alcibiades during the Peloponnesian War, and the fight between Medias and Demosthenes in 348, as well as other cases mentioned in Demosthenes' speech); this propensity to disorder produced a variety of legislative controls especially at the end of the fifth century.[77]

But on the other hand it seems probable that this fruitful competitiveness could often create a powerful sense of civic community spirit and harmony.[78] In our Athenian texts this is often expressed using the language of multiple forms of *kharis* and all its pleasures and obligations. Socially mixed choruses, well trained to display disciplined application of skills, produced the *kharis* of sights and sounds of visual and aural beauty; a torch-racing or pyrrhic team offered visual images of discipline and beauty and a reassuring statement of political and military power.[79] A striking epigram from the early years of the Athenian cyclic contests, evidently composed by the dithyrambic poet Antigenes[80] in celebration of his victory for the tribe Acamantis, provides a telling expansion of these themes. All participants involved in the celebration are praised and linked to their predecessors from the same tribe; the *khorêgos* Hipponicus is singled out as the man who 'travelled in the chariot of the *Kharites*' (*Anthologia Palatina* 13.28):

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[76] See Arist. *Pol.* 1309a17–20, Theophr. *Char.* 26.6, Demetrius of Phaleron *FGrH* 228 F 25. Lycurgus (139–140), in the prosecution of Leocrates for treason, argues against any extra *kharis* being given to a rich man who has performed a splendid *khorêgia* or horse-breeding exploit, while allowing a possibility for a military contribution; this seems to share some of the dismissive thinking of his contemporaries, but fits oddly with his remarkable encouragement and financial development of cults and festivals, both traditional and new, including the City Dionysia and the Panathenaia (on which see above n. 64).

[77] On which cf. Fisher 2008, 215–225.

[78] This is notably and frequently recognized by Xenophon (*Mem.* 3.3.11–12, 3.4.4–5, 3.5.6, *Oec.* 8.3–5).

[79] See e.g. Dem. 20.26.

[80] *Anthologia Palatina* 13.28, attributed, no doubt wrongly, to either Bacchylides or Simonides, and datable to shortly after 490. On its interpretation see the slightly divergent accounts in Wilson 2000, 124–128 and Fisher 2003, 205–208.

> Many times the Seasons of the Dionysia have shouted their joy
> among the choruses of the Acamantid tribe
> at the ivy-bearing dithyrambs, and with their fine headbands of roses
> have shaded the glossy hair of skilled singers,
> who have set up this tripod as witness to their Bacchic
> contests. Antigenes trained these men,
> and Ariston of Argos fostered their sweet voices well,
> pouring out a sweet strain on the pure Dorian pipes.
> Hipponicus acted as *khorêgos* for the honey-voiced cyclical chorus,
> son of Strouthon, borne along in the chariot of the *Kharites*,
> who established for him among men a splendid name and bright victory,
> thanks to the violet-garlanded goddesses the Muses.

This suggests that the function of the association of the *khorêgos* with the *Kharites* on their metaphorical chariot[81] was felt to be above all to convey the winning, cohesive, spirit uniting the *khorêgos* with all the team, the chorus, Antigenes the poet and trainer, and Ariston the *aulos*-player. Not only, as in the choral poetry discussed earlier, do the *Kharites*, along with the Muses, bring about the beauty, cohesion, and power of the performance, combining words, music, and dance to please the audience and the god, but they represent also the generous charm of the rich *khorêgos*, the sense of pleasure and good will created across all the team, and finally the service to the community which creates the claim to a counter-*kharis* for the liturgist in his future negotiations with his tribe and with the voting units (Assembly and courts) of the *polis*.

Positive evaluations of the Athenian rhetoric of consensus in the corpus of speeches which explore ways the demos sought to control the elite through the liturgy system and by other mechanisms[82] often encounter hard-nosed objections. I shall briefly consider two such approaches, which take very different lines. Foxhall (2002, 219) established that the democracy did little to change the basic inequalities of land and wealth between the rich and the poor, and concluded that members of the demos, especially the poorest, gained very limited economic advantages from the liturgy system—insofar as it effected very little redistribution

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[81] The Hellenistic epigram honoring Simonides' fifty-six dithyrambic victories put the poet on the chariot of Victory (Simon. fr. 27 =*Ant. Pal.* 213); cf. also Simon. fr. 79.10–12; and Pind. fr. 75, a dithyramb for the Athenians.

[82] See the analyses of the complex, and deliberately imprecise, rhetorical negotiations featuring *euergesia*, *kharis* and *philotimia* in Davies 1971, xvii–xviii and 1981, 88–132; Ober 1989, 226–230; Millett 1998; Liddel 2007, 262–282. One speech above all repeatedly focuses on *kharis* as the heart of proper reciprocal relations between liturgists and their rewards from the city, Demosthenes' *Leptines* (20.16, 40, 46, 55, 66, 71, 81, 85, 113, 119, 121, 156, 158).

of wealth—in exchange for the considerably greater access to power and honor ceded to the rich. As part of the argument she characterized the naval and festival liturgies as 'activities which appealed to traditional aristocratic values, even if they were now dressed in democratic clothes', and suggested that the Athenian 'ideal' of democratic equality may seem to us 'more as a means of mystifying real differences in life's chances' (Foxhall 2002, 218–220). But I would argue that the liturgical payments of the rich for festivals and the navy brought some economic benefits to poorer sailors and to all citizens, but far more in the way of significant political and social benefits to the community as a whole, as well as greater military effectiveness; in any case the extent to which participation in athletic and festival activities was seen as strictly 'aristocratic' has been greatly exaggerated.[83] The majority of Athenians maintained over centuries, semi-consciously at least, a strong commitment to investing considerable public and private money in the festivals for the gods, to ensure wider participation in performing and viewing their cultural achievements and works of beauty (which often included critiques of aspects of their own society and system); this commitment can be seen as a rational choice designed to increase social harmony by involving the rich in activities which increased the pleasures and quality of life for all.[84] Plutarch commented adversely, and with some exaggeration, on the vast amounts Athenians spent on their festivals rather than on wars (Plut. *Mor*. 381; cf. Dem. 4.4).[85] It remains remarkable what great priorities they gave, even after the Sicilian debacle, in the latter stages of a long, exhausting, and ultimately disastrous war, to maintain as much of this financial commitment and personal involvement as they could, and find new ways of doing so. In this period and also after the war they devoted much attention to legislating for good order in the festival; when they finally started to publish the revised laws post 403, the laws regulating sacrifices and their costs were the ones to be posted first; and among the first public buildings to be built in the same period was the Pompeion in the Cerameicus.[86]

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[83] Cf. Young 1984 and 2004, 95–101; Fisher 1998, and forthcoming (a).

[84] Cf. also Davies 2003, 327, 331. On the competence of the citizens in the audience to judge the individual contests in the theater—many of them active or ex-chorus men themselves—as on the Pnyx, see the divergent views in Thuc. 2.43, cf. 3.37, Plato, *Laws* 700a–701b and Arist. *Pol*. 1281a–1282b, with Wallace 1997 and Revermann 2006.

[85] On Plutarch's statement and an important assessment of the actual costs see Wilson 2008.

[86] E.g. Étienne 2004, 116–117; Phillips and Pritchard 2003, xiv; Phillips 2003, 213–214.

Harris' (2006, 121–139) treatment of Demosthenes' discussion of the theoric fund, offers a defense of the Athenians' decision to avoid major redistribution of wealth or confiscations of the property of the rich whose focus is strikingly different from those of Ober and Liddel. He argues first, and plausibly,[87] that Demosthenes (and Apollodorus) did not seek in the late 350s and 340s to transfer money from the theoric fund to the military; in fact in general Demosthenes defended the theoric fund (above all in the *Fourth Philippic*, Dem. 10.35–45). Their argument was rather that surplus money should be put into the military fund (*stratiôtika*) rather than into the *theôrika*. Only in the more serious circumstances of 339 did Demosthenes propose and carry a transfer of funds away from those already in the *theôrika* (Philoch. *FGrH* 328 F 54). Thus all our orators concurred, before the Assembly, in defending the social necessity of the *theôrikon*, while at times allowing that some excessive assaults on the wealth of the rich should be stopped (Dem. 10.43–44). Secondly, Harris observes that excessive confiscation from the rich in other *poleis* frequently produced violent *stasis*, and hence (and in contrast to Foxhall) maintains that the democracy's deliberate moderation in economic redistribution was sensible; but equally he criticizes Ober's model of 'control through the ideological means of shared rhetoric'. With a typically trenchant concentration on hard-headed economic 'realities', he argues that what counted more to keep the masses content with the system was the regular handouts known collectively as the *theôrikon*, the 'glue of democracy', as recognized by Demosthenes (Dem. 10.36–40) as well as Demades (Plut. *Mor.* 1011B).

Now the issues of when the *theôrikon* was introduced and how it worked have been clarified by Csapo's important recent contribution (2007), with Wilson's additions (2008, 91–96). Entrance fees at the theater probably existed originally to pay the contractors (*theatropôlai*) for the erection of the wooden seating; problems for poorer citizens in gaining access may have originally been met by sporadic assistance in the form of redistribution of money to citizens at the City Dionysia in the later fifth and / or early fourth centuries. But the major reserve fund with its officials, playing a central role in Athenian financial management, was only created in the 350s; this was perhaps related to the original planning for the stone rebuilding of the theater which was completed in the 330s. If this reconstruction is on the right lines, in the fifth and the first

[87] Partly anticipated by Hansen 1976.

half of the fourth century Athenians will have received payments related to the theater relatively infrequently, and hence at that time the fund would not have been of great financial importance for poorer citizens. From the time that the board of magistrates for the *theôrikon* was created in the 350s, however, more funds were put into it, and regular distributions made at many other festivals as well; it then became more economically and politically significant. Even so, if many or most recipients spent at least part of their *theôrikon* on the entrance fees or otherwise financing their festival attendance, it is likely to be the case that they felt they benefited as much or more from the shared cultural experience of attending festivals as from the increase in their general income. So, while no doubt some direct economic support for the poor was important for them, and was generally accepted by the rich (if we may follow Demosthenes' optimistic assessment), equally important in creating a workable balance between the classes was the ideological persuasion which operated on both sides, as the good will or *kharis* in all its senses achieved above all through festival cooperation gave each class some grounds to value the other. We should not forget how powerful an ideological charge the *theôrikon* itself carried by virtue of its very name. The decision to call the main 'handout' for the poor the *theôrikon*, and the board which was responsible for the major financial organizations for the city and its public works the 'men in charge of the *theôrikon*' tied them both firmly to the idea of large-scale citizen attendance at the Dionysia and other festivals,[88] and thus demonstrated very clearly that this 'glue of the democracy' was conceived as far more than a handout, just as a *khorêgia* was far more than merely a tax on the rich. The title could not have been chosen, or possessed the charge it seems to have, without a shared belief in the cohesive powers created for the community through the festivals to its gods.

5. *Conclusion*

It remains very difficult to compare and balance out the forces promoting civic harmony and restraint in a society like Athens against the more divisive forces of class conflict, economic struggles, and political ambition: how far is one to view the ideals of positive mutual valuations, or the

[88] Even though actual attendance on any one day was not significantly greater than at the Pnyx, both before and after the massive expansions of both settings were completed in the Lycurgan period.

values of consensus and reciprocity, as ideals which were widely internalized and accepted, or as matters of conventional and convenient rhetoric and window-dressing? Should one describe the consensual *kharis* of the festivals as indeed often a valuable protection against *stasis*, as a fraud perpetrated by the elite to ward off more radical attacks on their property and power, or as excessive pressure applied by the people for their own benefit and pleasures? Is the rhetorical appeal to this consensus a 'mis-recognition' of the harsh economic and political realities, or a recognition of an equally valid social value?[89] Those (like Kurke,[90] Wilson, and Foxhall) who often use the language of mis-recognition, alternative realities, and mystification are making use of the penetrating analysis of Pierre Bourdieu, and see (with good reason) the Athenian liturgy system as a typical form of gift-giving which involves (in Bourdieu's terms) the long-term exchange of 'economic and symbolic capital' between large-scale collectives. But it is worth remembering that Bourdieu's (very dense) modes of analysis, which contrast different forms of 'apparent and objective realities', or 'truths', in fact can be seen as describing a complex balance where the collective consciousness of social order and harmony is itself an important reality of mentalities, and the imprecision and negotiability of the relative worth of the exchanges on all sides are a definite advantage of the system.[91] The aim of this chapter has been to suggest that the complex festival practices and exchanges sustained by these collective conceptions of *kharis* and reciprocities across wealth and regional divisions had, in the right conditions, and in Greek states of different political systems, the potential to foster a socially and politically valuable cohesion. I have tried also to reinforce the view that it is a major mistake to classify the values of shared pleasures and reciprocity to which these conceptions of *kharis* and the *Kharites* appeal as essentially imbued with aristocratic coloring, or as only 'democratized' some time in the fifth century or later. We should of course readily admit that such a cohesive force always coexisted with mutual envy and hostilities, as individual and group assessments of the balance of material advantage between the different groups fluctuated (as they still do now); but it would be good to give proper value to the emotional appeal of the social pleasures and lasting reciprocities of the *kharis*-relationships created by the

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89 For positive statements of the balance see also Millett 1998 and 2000, 353–354.

90 Kurke 1999.

91 Cf. also Davis 1992, 14–27, arguing against other reductive proponents of 'deeper realities', and van Wees 1998, 25–29 and Fisher forthcoming (a).

festivals and the contests between Greek cities that they reflected, especially those relationships which fostered more participatory democracies. This should play an important part in the assessment of the complex, ambivalent, and lasting patterns of relationships between liturgists, competing tribal teams, and cheering crowds of citizens in the classical Athenian democracy.[92]

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CHAPTER FIVE

COMMUNAL VALUES IN ANCIENT DIPLOMACY

Sarah Bolmarcich

This chapter focuses on citizens and their relationships with others beyond the boundaries of the *polis*. Specifically, I look at the diplomatic relationships of *philia*, 'friendship', and *sungeneia*, 'kinship', both also known within the *polis*, in their inter-state context.[1] Much work has already been done on these relationships in the Greek world, and their role in Greek international relations,[2] but left unaddressed is the question of why these two relationships began to become prominent in the fifth century BCE and how they were conceived of in that period specifically.[3] *Philia* and *sungeneia* had both been key parts of archaic political and diplomatic discourse, but in the fifth century *philia* appears to have become a more formal relationship between states, judging by preserved treaties, and *sungeneia* is more explicitly in some sources linked to political discourse than to the realm of mythology alone.[4] I argue that the stresses of the fifth century—the Persian Wars, the growth of the Athenian Empire, and the Peloponnesian Wars—led the Greeks to emphasize and exploit affective communal diplomatic relationships in hopes of not only strengthening alliances and preserving peace, but also of shoring up their own power. The communal values of friendship and kinship would remain a central part of Greek diplomatic and political discourse thereafter.[5]

[1] Other chapters in this volume consider *philia* and *sungeneia* specifically in the realm of the *polis*: see Christ, Konstan. Indeed, many aspects of ancient international relations were described in terms of individual relations in the *polis*; for further discussion, see especially the work of Low 2007. Much of the language Christ cites in his chapter in this volume (*adikoumenos*, *boētheia*) is also very much a part of the language of Greek international relations.

[2] *Philia*: Gruen 1984, 54–95; Bauslaugh 1991; Konstan 1997, 83–87; Mitchell 1997a, 1997b. *Sungeneia*: Calame 1987, 153–186; Curty 1995; Hornblower 1991–2009 II, 61–80; Hall 1997, 77–89; Jones 1999.

[3] Curty 1995, Gruen 1984 and Jones 1999 largely focus on the Hellenistic period and beyond in their work.

[4] Hall 1997, 77–89 on *sungeneia*, and see below for *philia*.

[5] While the Hellenistic and Roman periods are not under consideration here, both

Considerations of both *philia* and *sungeneia* existed in Greece prior to the fifth century BCE; as Hall (1997, 65) notes with reference to *sungeneia*: '[t]he ethnic rhetoric of the Peloponnesian War was mainly possible because it expanded on a discourse that pre-existed it'. Hall argues that ethnicity, upon which claims of kinship were based, was very much discursive and constructive in ancient Greece, for a variety of purposes (e.g., determining who rightfully belonged to a *polis* and who did not).[6] As such, it had a political aspect not only within the city-state, but potential to be used (or abused) in Greek inter-state relations. I believe that this latter aspect of kinship came especially to be emphasized in the fifth century during the Peloponnesian War (see below). *Philia* also had a strong presence in the archaic Greek world, both within and without the city-state; its role in inter-state relations, however, is much debated. Bauslaugh, for instance, sees *philia* as a basis for a neutral position in inter-state relations, i.e., a term that had entered the formal language of ancient Greek diplomacy, while Paradisi believes that the establishment of *philia* between states was a crucial moment in inter-state relations, because *philia* provided a basis for relations beyond that of ethnicity and kinship, and laid the grounds for juridical relations between states.[7] Bederman remarks that the establishment of *philia* 'was a vindication of universality in State relations; countries of different religio-ethnic backgrounds and of unequal strength could treat with each other as peers'.[8] *Philia* became more prominent in the formal treaty-language of Greek inter-state relations during the fifth and fourth centuries; I suggest, again, that it may have been seen as especially useful in a time of war and upheaval for Greece.

First, I examine archaic Greek treaties to demonstrate the differences and similarities between archaic and classical Greek diplomacy, i.e., why the Greeks might have felt an increased need for affective relationships in the fifth century (section 1). I then examine the literary and epigraphic sources for *philia* in the fifth century (section 2), and finally turn to

philia and *sungeneia* were important diplomatic relationships in those periods, and were often combined into a relationship of *philia kai sungeneia*; in fact, they were probably more prominent then than in the classical period since, in an age of monarchs and strong individual leaders, such personal relationships were easier to claim or make and to maintain.

6 Hall 1997, 182–183.

7 Bauslaugh 1991, 56–64. Paradisi 1951, 349.

8 Bederman 2001, 161.

sungeneia as an example of how these communal relationships could both help and harm Greek diplomacy (section 3).

1. *Early Greek diplomacy*

First, a brief survey of early Greek treaties must be presented in order to understand the different options affective relations like *philia* and *summakhia* offered the Greek city-states. The earliest surviving Greek treaties date from the sixth century BCE, and all were found at Olympia. As a panhellenic sanctuary, Olympia could offer common ground to citizens of various city-states, and its priests could serve as arbiters or enforcers of treaties if necessary (cf. *SVA* 2.111, 120); they are assigned such a role by virtue of their control over access to the altar of Zeus at Olympia. Probably the earliest Greek treaty is that between Elis itself and a presumably Arcadian state named Heraea (*SVA* 2.110):[9]

> The *rhētra* of the Eleans and the Heraeans. There will be an alliance for one hundred years, and it will begin from this year. If there is any need, either in word or in deed, they shall stand by one another in all things and especially in war. If they do not stand by one another …
>
> Ἀ ϝϱάτϱα τοῖϱ ϝαλείοις· καὶ τοῖς Ἐϱ|ϝαόιοις· συνμαχία κ’ἔα ἐκατὸν ϝέτεα·| ἄϱχοι δέ κα τοί· αἰ δέ τι δέοι: αἴτε ϝέπος αἴτε ϝ|άϱγον· συνέαν κ’ἀλάλοις: τά τ’ ἄλ⟨α⟩ καὶ πὰ‖ϱ’ πολέμο: αἰ δὲ μὰ συνέαν …

There follow penalty clauses for anyone violating the treaty or harming its *stêlê*. The word *summakhia* means ‘a fighting together’, so it is striking that the treaty also includes a commitment for the allies ‘to stand by one another’ in everything but ‘especially in war’, i.e., there is some idea here that there may be a relationship beyond the purely legal *summakhia*. Beyond the terms of the treaty—which were also presumably part of the oath each side swore—enforcement of the treaty-terms rests on stringent financial penalties of a talent of silver for violators and a ‘sacred penalty’ for anyone who defaces the *stêlê*. The enforcement mechanisms for this treaty were entirely external to the two parties involved; they do not rely on affective relations or emotional bonds between the two, at least according to the text of the treaty. Affective bonds may have already existed between Elis and Heraea, but the authors of the treaty chose not to employ such language.

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[9] On the identity of Heraea see Bengston, *SVA* 2.110.

Generally speaking, fifth-century Greek treaties take the approach of the Elis–Heraea treaty, depending on oaths and external penalties for their enforcement. An example is the 448 treaty between Athens and Leontini, renewed in 433 (*IG* i^{3} 54.20–27):[10]

> The Atheni[ans to swear these things]: We shall be [al]li[e]s to the [Leont]in[i ju]stl[y and without deceit a]nd [without harm. The Leontin]i [to s]wear lik[ewise]: [We shall] be [allies always to the Athenians] without de[ceit and without harm].
>
> ὀμόσ]αι δὲ Ἀθεναί-
> [ος τάδε· χσύμ]μα[χ]οι ἐσόμ-
> [εθα Λεοντ]ίν[οις δικ]αίο-
> [ς καὶ ἀδόλος κ]αὶ [ἀβλαβõς].
> [Λεοντίνο]ς ℎό[μõς ὀ]μόσ-
> [αι· χσύμμαχοι ἐσόμ]εθα
> [Ἀθεναίοις ἀίδιοι] ἀδό-
> [λος καὶ ἀβλα]βõς.

The strength of the treaty depends on the strong, abstract (although not affective) language of the oath used by the Athenians and the Leontini.[11]Similarly, another fifth-century treaty between Athens and Colophon after the latter's failed revolt from the Delian League in the 440s[12] depends on penalties for its enforcement (*IG* i^{3} 37.52–55):

> [and if I] should transgress[s this agreement, may I be completely destroyed, both myself and] my [fa]mily, [forever, but may] there be m[a]ny [good] things for me [if I keep my oath]
>
> καὶ εἰ μὲν ταῦτ]-
> [α] παραβ⟨α⟩ίνοιμ[ι ἐξόλες εἴεν καὶ αὐτὸς ἐγὸ καὶ τὸ γ]-
> [έ]νος τὸ ἐμὸν [ἐς τὸν ἅπαντα χρόνον, εὐορκõντι δὲ εἴε]
> μοι πο[λ]λὰ καὶ [ἀγαθά].

The success of the three treaties discussed here rests either on formal obligation, or financial penalty, or divine sanction, not on any integral moral component or any affective relationship with the other party to the

[10] See Mattingly 1996, 266–267 on the history of the problematic dating of this treaty.

[11] I shall return to the relationship between Athens and Leontini below in my discussion of *sungeneia*.

[12] Mattingly 1996, 174–178, 373–374 dates this inscription to 427. Most historians do not accept this radical redating; as Meiggs and Lewis 1999 no. 47 point out, the historical circumstances of Colophon in the 420s do not suit the tone and import of the inscription, in which Athens is clearly in control of Colophon (which was not the case in 427). I follow the traditional date in the 440s for these reasons.

treaty.[13] All of these treaties are pre-Peloponnesian War, and, I would suggest, typical of archaic and fifth-century Greek treaties prior to the Peloponnesian War. But with the Peloponnesian War, there appear to be some changes in Greek diplomatic practice that introduce affective relationships into the world of Greek treaty-language.

2. Philia

The first of these changes is the increasing prominence of *philia* as a potential formal relationship between states. Its meaning in the world of Greek international relations has already been well explored;[14] my focus here will be on how *philia* was conceptualized in the fifth century.[15] In considering *philia*, I emphasize its affective quality;[16] while *philia* has often been interpreted as a technical relationship between states, specifically as a non-aggression pact or as neutrality,[17] problematic for that interpretation is that in the classical period *philia* hardly ever appears alone in a diplomatic context. In all but one of the examples given here, *philia* coexists with *summakhia*, *spondai*, *eirênê*, etc.; there are no certain treaties of *philia* alone in the classical period. This suggests that—to the states that made those treaties, at any rate—*philia* was a precondition for a more technical diplomatic relationship with clearer expectations and obligations, like *summakhia*.[18] The rise of *philia* in the 430s and 420s also comes at a time when the affective and abstract language of treaty-oaths ('I shall be a good and faithful ally', etc., as in the Leontini treaty) was disappearing, replaced with oaths of mutual defense; perhaps assertions of *philia* replace that kind of language.

The first instance of *philia* in the diplomatic record occurs in a sixth-century treaty between the Anaitoi and the Metapioi. The Anaitoi and the Metapioi are now unknown, but they made an agreement of *philia* (*SVA* 2.111):

[13] Although the oaths in the Leontini treaty do use strong, moral, abstract language, I believe terms such as these were open to interpretation: who is to say, after all, what constitutes 'just' behavior between allies? See Bolmarcich 2007 for the full argument, and further discussion below.

[14] Bauslaugh 1991; Konstan 1997, 83–87; Mitchell 1997a and 1997b.

[15] See also Bauslaugh 1991.

[16] As does Konstan 1997.

[17] Adcock and Mosley 1975, 207–208; Bauslaugh 1991.

[18] Cf. Adcock and Mosley 1975, 206.

> *rhêtra* between the Anaitoi and the Metapioi: *philia* for fifty years. And if either side should violate the compact, let both the *proxenoi* and the priests expel them from the altar. If they transgress their oath, the judgment shall belong to the priest at Olympia.
>
> Ἀ ϝράτρα τὸς Ἀναίτο[ς] καὶ τὸ[ς] | Μεταπίος· φιλίαν πεντάκον|τα ϝέτεα. κ' ὀπόπαροι μὲνπεδέοιαν, | ἀπὸ τõ βομõ ἀποϝελέοιάν κα τοὶ πρό|ξενοι καὶ τοὶ μάντιερ. αἰ τὸ[ν] ὅρκον | παρβαίνοιαν, γνõμαν τὸρ ἰ[α]ρομάορ| τ' Ὀλυνπίαι.

A third sixth-century treaty found at Olympia also establishes *philotês* between two groups (*SVA* 2.120): 'The Sybarites and their allies and the Serdaians agreed to friendship trustworthy and without deceit forever', ἀρμόχθεν οἱ Συβαρῖ|ται κ'οἰ σύνμαχοι κ'οἰ | Σερδαίοι ἐπὶ φιλότατ|ι πιστᾶι κ'ἀδόλοι ἀε|ίδιον; the document then concludes by naming as guarantors of the agreement various officials at Olympia. The Serdaians are unknown, but on numismatic evidence are presumed to be an Achaean colony in southern Italy;[19] the Sybarites were also an Achaean colony in Magna Graecia, destroyed by a third Achaean colony, Croton, in 510 BCE. The text illustrates several key points: first, as Bauslaugh points out, since it establishes *philotês* when the Sybarites already have *summakhoi*, it indicates that *philia* / *philotês* and *summakhia* are not the same relationship (a point I shall return to below).[20] Second, it suggests that although the Serdaians and Sybarites were both Achaean in origin, this did not automatically mandate friendship between the two states, as the later destruction of Sybaris by Croton also suggests. Shared ethnicity or kinship, then, does not mean *philia* (again, see below for a return to this point). Third, in contrast with the contemporary Elis–Heraea *summakhia* discussed above, there are no specific terms to this *philia*, no mention of requirements or obligations or oaths.[21] The same holds true of the *philia* established between the Anaitoi and the Metapioi. As Bauslaugh observes (Bauslaugh 1991, 58), 'the question remains whether

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19 Kunze 1961, 207–210. See also Mattingly 1996, 267–269.

20 Bauslaugh 1991, 57. He cites also the sixth-century BCE treaty between Rome and Carthage (Polyb. 3.22.4), which makes a similar distinction. But Gruen 1984, 58 notes the unlikelihood that the Romans used Greek diplomatic formulae in the sixth century BCE. See Konstan 1997, 83 for the argument that *philos* overlaps with *summakhos* 'to such an extent that it is in general difficult to draw a distinction between the two terms'. I am not sure that this is entirely the case in the archaic period: it may be true in the fourth century, when *philos kai summakhos* becomes a key phrase in Attic oratory.

21 Adcock and Mosley 1975, 206; Bauslaugh 1991, 57–58. The treaties do have enforcement mechanisms, but they are dependent on outsiders like magistrates at Olympia.

philia between states meant something specific or perhaps represented nothing more than the intentionally vague diplomatic rhetoric all too familiar in modern diplomacy'.[22] I believe that the fact that these agreements were inscribed on *stêlai* displayed at Olympia—a not insignificant undertaking for archaic states—suggests that *philia* was valued by these states, but that the relationship may have been left intentionally vague to preserve city-state autonomy.[23] When *philia* stood alone in the archaic period, it was an amorphous relationship whose obligations and privileges were known only to the states committed to the formalized relationship. We cannot even discern whether it was an affective or a legal relationship.

Philia is also mentioned often in Herodotus as a relationship between states or their representatives.[24] Two of these passages are especially noteworthy for my purposes: where Croesus expresses his wish to be a friend and ally of the Spartans (φίλος τε θέλων γενέσθαι καὶ σύμμαχος ἄνευ τε δόλου καὶ ἀπάτης, Hdt. 1.69.2), and ends up making 'oaths of guest-friendship and alliance' (ὅρκια ξεινίης πέρι καὶ συμμαχίης, Hdt. 1.69.3) with them. In the other passage, Amasis of Egypt establishes with the Cyrenaeans friendship and alliance (φιλότητά τε καὶ συμμαχίην, Hdt. 2.181.1), and proceeds to marry a Cyrenaean woman because, Herodotus suggests, of his friendship with them (Hdt. 2.181.2). These two passages are to my knowledge the first extant in Greek literature that link the concepts of *philia* and *summakhia*. For Amasis, his *philia*-relationship with Cyrene is clearly an affective one, sealed by an even more personal tie of marriage.[25] Perhaps significantly, the Spartans make Croesus a *xenos*, not a *philos*, as he requests: perhaps this is because *xenia*, like a treaty, involved ritual oaths (ὅρκια) while *philia* did not necessarily do

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22 Cf. Adcock and Mosley 1975, 205–206.

23 I have argued this point with respect to treaty-oaths as well. See Bolmarcich 2007. See also Thür 1996 for safeguards built into oaths by Greek *poleis*.

24 φιλότης: Hdt. 2.181.1. φιλία: Hdt. 4.152.3, 7.130.3, 7.151, 7.152.1–2. φίλος (in an international context): Hdt. 1.6.2, 1.53, 1.69.1–2, 1.87.4, 1.172.2, 2.152.5, 3.21, 3.39.2, 3.40, 3.49.1, 6.89, 7.130.3, 7.138.2, 7.163.2, 8.140, 8.143. Cf. also Bauslaugh 1991, 61.

25 *Epigamia*, the right of intermarriage, comes to mind in this passage. Very little is known about *epigamia* in the archaic and classical periods, and there are few examples known (one is mentioned below); the privilege came to flourish in the Hellenistic era (*RE* s.v. *epigamia*). I would regard Amasis' marriage not as a result of *epigamia* guaranteed in this treaty, but as something meant itself to guarantee the treaty, much as Philip of Macedon guaranteed treaties in northern Greece in the fourth century by marrying local royal women. Space precludes an examination of marriage in Greek international relations here, although I return to the issue below.

so.[26] This suggests that *philia*, although it could be paired with *summakhia* by Herodotus's day, was not yet an official relationship with the binding ties of *xenia* or *summakhia*.[27] Note too that the two parties to these *philia/summakhia* relationships involve Greeks and foreigners: Croesus and Amasis both have close ties to the Greek world, but neither can be considered strictly Greek. Perhaps *philia* was necessary to create an affective link between Greek and foreigner that had to exist before a *summakhia*-relationship could be established.[28] I shall return to this point again below.

The phrase *philia kai summakhia* appears to become current in diplomatic documents around the time of the Peloponnesian War.[29] The first diplomatic documents that use the phrase are both generally dated to the 420s BCE; we also find it restored to two other fifth-century treaties and preserved in fourth-century and Hellenistic treaties (not under consideration here). I focus on the fifth-century examples here, since they are the earliest.

The first preserved treaty to use the phrase appears to be the 422 treaty between Athens and some rebellious Bottiaean cities in Thrace (*IG* i^3 76). In lines 23–25, a publication clause, the *stêlê* to be set up on the Acropolis should include 'the names of the cities of the Bottiaeans who agreed to *philia* and *summakhia*' (τὰ ὀν|[ό]μ̣ατ̣[ον [πόλεον] τõ[ν Βοττιαίον τ]õν χσυντιθεμένον | τὲν φιλία̣[ν καὶ τὲν χσυμμαχίαν]). While the second half of the phrase has had to be restored, I believe the restoration is a reasonable one, given that in line 17 the Bottiaeans swore 'we shall be friends and allies to the Athenians' (φίλοι ἐσόμε[θα Ἀθεναίοις καὶ χσύμ]μαχοι). This is the first use of *philia* in a diplomatic document since the archaic treaties mentioned above, and also 'the earliest extant record of the combined formula [*philia kai summakhia*]'.[30] It is impossible to tell if this is the first use of the phrase ever: the question is, why was it used? Why would *summakhia* or another relationship not suffice here?

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[26] On the role of oaths in establishing *xenia* see Herman 1987, 58–69. Cf. also Hdt. 1.22.4 for an agreement to be *xenoi* and *summakhoi* between Thrasybulus and the Milesians. There may be no significant difference between *xenos* and *philos* in the Croesus–Sparta episode, but it is true that in Herodotus *xenia* is a relationship with negative consequences and *philia* one with positive consequences (Campbell 2008), which suggests that Herodotus uses the two words carefully.

[27] *Pace* Bauslaugh 1991, 62.

[28] Cf. Bederman 2001, 160.

[29] Bauslaugh 1991, 88.

[30] Bauslaugh 1991, 88 n. 5.

The circumstances of the treaty suggest that more is needed beyond a simple reaffirmation of the Athenian–Bottiaean alliance or the Bottiaean membership in the Delian League: the Bottiaeans had been in revolt, it had taken ten years to subdue the cities who signed the treaty, and other Bottiaean cities like Spartolos were still in revolt. Hostages are mentioned in the treaty (line 33), and the cities that remained in revolt clearly expected preferential treatment (Thuc. 5.18.2). Given all these special circumstances, *philia* may have been understood to be a relationship that went beyond mere alliance, perhaps an attempt to establish an affective relationship as well as a formal diplomatic one. In support of this, I point to other affective or especially strong language in the treaty: the verb μνεσικακέσο with a negative, 'to forgive past wrongs', for instance, in lines 15 and 21, or the very strong oath that the Bottiaeans will have the same friends and enemies as the Athenians do (lines 18–19).

Another early treaty that preserves part of the *philia kai summakhia* formula is an Athenian treaty that established relations between Perdiccas II of Macedon and Arrhabaeus, the king of Lyncestis (*IG* I^3 89). The date of this is less certain: it is dated variously to the 430s, 423, and 413,[31] but it falls within the same time period as the Bottiaean treaty, the last third of the fifth century BCE and the era of the Peloponnesian War. *Philia kai summakhia* is established between Perdiccas and Arrhabaeus. Lines 57–58 read:

> Arrhab[aeus] makes [friendship with Perdiccas … and si]nce A[rrhabaeus] i[s] a friend, (Perdiccas) shall make friend[ship and alliance] with Arrhabaeus.
>
> ποιέτο δὲ καὶ Ἀρραβ[αῖος πρὸς Περδίκκαν φιλίαν ....9....]|[....16 ....][32] καὶ *h*ό]ṭαν φίλος γίγ[νέται Ἀρραβαῖο]ς, ποιε͂ν καὶ Ἀρραβαίοι φιḷ[ίαν καὶ χσυμμαχίαν].

[31] *ATL* proposes the 430s, *SVA* and Mattingly 1996, 242–245 argue for 423, and 413 is the outside date given in *IG* for the treaty with Perdiccas. The date of the treaty with Arrhabaeus is unclear, but is probably in the mid to late 420s; Arrhabaeus is prominent as an enemy of Perdiccas in Thuc. 4 (79.2, 83, 124.1–2, 4, 125.1–2, 127.2), which would fit a treaty dated to the 420s. The 423 date is the most compelling: it is followed not only by *SVA* 2.186, Gomme 193–1981 III.621, and Kagan 1974, 314 n. 28, but is supported by Thuc. 4.132. For a summary of the debate see Meiggs 1972, 428–430; Mattingly 1996, 242–244.

[32] It might be possible to restore καὶ χσυμμαχίαν in this lacuna, along with some other phrase, but the stone is in much too poor shape to justify any restoration.

Even if the restoration of *summakhia* is incorrect, it should be noted that Arrhabaeus and Perdiccas were, according to Thucydides' Book 4, enemies;[33] in order to keep the peace between them and to preserve the stability of northern Greece, the Athenians might have had to mandate *philia* between them.

Two later Athenian treaties also appear to preserve the new phrase. The first (*IG* I³ 12) is a treaty with the Halycaean Elymi in Sicily, the neighbors of the Egestans that provoked the second Sicilian Expedition. Long dated to 433 / 432 BCE, this document should be redated to 418 / 417 or later, because it follows on its *stêlê* a document recently down-dated from the 450s to 418 / 417, the date of the Athenian treaty with Egesta (*IG* I³ 11).[34] The phrase *philia kai summakhia* here is completely restored in line 3; I believe the restoration is possible because of the formulae present and the stoichedon order of the stone; this phrase is succeeded in the next line by τὰ πρὸς Ἀθ[εναίος], a typical phrase after the articles of agreement for a treaty. If the treaty did use the phrase, the Elymi fall into a different category than the two treaties mentioned above: while Perdiccas, Arrhabaeus, and the Bottiaeans had long been at war with Athens or each other, and so might well benefit from relations of *philia*, this document, along with the Egesta decree, very possibly represents one of the first known diplomatic agreements or even contact between Athens and the Elymi. The Elymi are classified as barbarians by Thucydides (6.2, 7.58.11); as such, they might be suspect to their new Athenian allies unless they were bound by stronger ties than simple alliance.[35]

Likewise, the phrase may have occurred at line 11 in a 407 / 406 treaty between Athens and Carthage (*IG* I³ 123). The restoration is almost entirely complete; only a dotted phi can be read of the formula. This

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[33] Cf. Thuc. 4.79.2, 83, 124.1–2, 4, 125.1–2, 127.2.

[34] Chambers *et al.* 1990; cf. Mattingly 1996, 99–102, 259–280, 473–476. Arguments against the down-dating: Henry 1992, 137–146. Although Chambers's work proved Mattingly correct that the dating of fifth-century inscriptions via letter forms was not a precise science, this does not mean that all of Mattingly's redatings of fifth-century inscriptions should be accepted, as that is poor method; see note above on the Colophon treaty. The Egesta treaty may itself establish *philia kai summakhia* (see the restoration of Bengtson, *SVA* 2.139); its heading, now illegible, is usually restored to read ὅρκος καὶ χσυνμαχία, which requires the same number of letter-spaces.

[35] Although fourth-century treaties are not under consideration here, it is noteworthy that many of the references to a *philos kai summakhos* in fourth-century literature are references not to leaders of other Greek states, but to leaders that were slightly 'foreign': Seuthes (X. *Hell.* 4.8.26) or Pharnabazus (X. *Hell.* 4.1.32, 37). This suggests the audience needed reassurance that these men were friendly, i.e., sympathetic to Athens, as well as allies.

restoration is much less certain than the others, but the circumstances of the treaty may be similar to that between Athens and the Elymi, i.e., a new diplomatic contact has been established between Athens and Carthage. If *philia* was part of this agreement, it suggests again that it may be appropriate for an agreement between parties who had no prior diplomatic history.[36]

A test case for the assertion that *philia*-relationships appear to be applied to outsiders or enemies who are entering into a new diplomatic relationship may be demonstrated by two Spartan diplomatic endeavors: one an attempt by Sparta to negotiate peace with Athens after the disaster at Sphacteria, in which the Spartans offer the Athenians 'peace and alliance and much other friendship and close affinity to one another' (εἰρήνην καὶ ξυμμαχίαν καὶ ἄλλην φιλίαν πολλὴν καὶ οἰκειότητα ἐς ἀλλήλους, Thuc. 4.19.1). This is a sort of smorgasbord of the diplomatic relationships available to states in the late fifth century BCE; the Spartans appear to be trying to make any treaty between themselves and the Athenians as strong as possible by emphasizing both legal (peace and alliance) and affective (friendship and close affinity)[37] relationships. This would be especially important given the Peloponnesian War context; the treaty would have been made after years of hostilities, and thus the establishment of *philia* and *oikeiotês* might have been especially important. This laundry list of diplomatic relationships appears to have been repeated in a treaty between Sparta and the Aetolians and Erxadieis: 'there is to be [friendsh]ip and peace [with the Aeto]lians and alli[ance]' (φιλία]ν καὶ hιράναν ἦ[μεν ποτ] | [Αἰτο]λ̣ος καὶ συνμα[χίαν, Meiggs and Lewis 1999 Add. 67 *bis*, lines 2–3). If *philia* is restored correctly in line 2, this treaty fits the pattern noted above for the use of the word in diplomatic documents in the last quarter of the fifth century BCE and afterwards; the relationships established are with the Aetolians, a tribal society, one of whose early diplomatic contacts with the rest of the Greek world may have been in 426 BCE, when they requested military aid from Sparta against Athens (Thuc. 3.100.1).[38] The date of the treaty is disputed, but most scholars place it after 426, and I believe it dates to the early fourth century BCE.[39]

[36] Cf. Adcock and Mosley 1975, 206.
[37] I return to the issue of *oikeiotês* below.
[38] On southern Greek knowledge of the Aetolians see Antonetti 1990, 77–85.
[39] For the most recent summary of the dispute over the date of this treaty see Bolmarcich 2008.

Two last points may be made about the possible sudden prominence of *philia* in diplomacy in the late fifth century BCE. First, it is at the same time that *xenia*, in the sense of 'hospitality' (ξένια), is first recorded as part of Athenian diplomatic practice. ξενία, 'guest-friendship', had up to this point been the province of aristocrats, and to some degree it continued to be so,[40] but now the Athenian state invited ambassadors and other foreign dignitaries to the Prytaneion for hospitality. This practice is first clearly attested in the Athenian treaty with Egesta in 418 (*IG* I^3 11.14), and continues well into the fourth century BCE; the invitation becomes a standard clause in treaties and honorary decrees for foreigners.[41] The state's adoption of hospitality is another way to create friendship between states via the ambassadors negotiating the treaties in question, and, like *philia*, it becomes part of formally recognized diplomatic procedure in the late fifth century BCE.

Second, another significant change occurs in diplomatic practice in the Peloponnesian War era. Treaty-oaths change significantly in tone from those of, e.g., Athens and Leontini quoted above. They were instead alliances whose intent appears to have been defensive, as established by the presence of clauses stating something like, 'if anyone should attack the Athenians' territory either by land or by sea, the Spartans will give them as much aid as they can by land or by sea with all their strength', which would then be repeated with 'Athenians' and 'Spartans' in reverse order. Earlier treaties had relied upon strong abstract and potentially affective language: 'I shall be a good and faithful ally to X', etc. No treaty that establishes *philia* has that kind of language in it; while the sample is too small to make a definitive argument, it is possible that *philia* was seen as a replacement for that kind of powerful abstract language. After the beginning of the Archidamian War, defense-clauses became much more common in treaties, probably due to the increased threat of war in the last quarter of the fifth century and throughout the fourth century, and perhaps *philia* was introduced in part to provide the kind of emotional link that the oath 'I shall be a good ally' offers, but that an oath of mutual defense does not.

Philia is an important concept in early Greek diplomacy, as the two sixth-century treaties at Olympia suggest, but on the basis of the current evidence it does not rise to real prominence or take on legal overtones

[40] For the history of *xenia* see Finley 1977, esp. 99–103; Herman 1987.

[41] There are 228 instances in the PHI database of such an invitation in the fifth and fourth centuries BCE.

until the era of the Peloponnesian War and the last quarter of the fifth century BCE, when it is combined with other diplomatic relationships like *summakhia* or *eirênê*. This may suggest a growing interest in establishing affective relationships with other states that would support and strengthen purely legal relationships like *summakhiai* or peace treaties. The concept of *sungeneia*, 'kinship', discussed in the next section, also suggests this conclusion.

3. Sungeneia

I now turn to *sungeneia*. The very language of Greek diplomacy was predicated on the idea of partnership. Words like *summakhia*, *summakhos*, *sunkeimena*, and *sunthêkai* were common. *Sungeneia*, then, is no exception.[42] *Sungeneia* differs from the words just listed, however, in its later application to diplomacy. There are a few instances of the word prior to the fifth century BCE,[43] but the word appears to become established in the second half of the fifth century BCE and to increase in popularity in philosophical and rhetorical discourse in the fourth century. In discussing *sungeneia*, I do not focus on ethnicity in ancient Greece, which has already been well explored,[44] but rather on *how* the claim of *sungeneia* is used, not its validity.

Aeschylus and Euripides use the word in a mythological context, i.e., the speakers who use the word make reference to descent from or kinship with gods and heroes.[45] Pindar also uses cognates of *sungeneia* often, usually to denote similarity of, e.g., character, innate or inherited characteristics (such as musical or athletic talent), or a blood relationship.[46] Earlier uses of *sungeneia* may well have belonged to the realm of aristocratic discourse;[47] Thucydides is the first author to use the word in a blatantly political sense. Although *sungeneia* itself may have been a new word, the concept was hardly new; it existed already and was used by earlier authors,

[42] On kinship diplomacy in general in the ancient world see Jones 1999.

[43] Two works of Aesop (Proverb 54.4 and *Fabula* 209a.8), to whom many later proverbs and fables are attributed. It is possible that *sungeneia* was an archaic concept, but we cannot say so for certain from these instances. Cognates were also used in the archaic period to denote blood relationship or mythological kinship.

[44] Cf. Alty 1982; Hall 1997; Will 1956. Alty attributes more weight to ethnicity in ancient Greece than do Will or Hall.

[45] Aesch. fr. 125; Eur. *IA* 492, 510, *Tro.* 754, *Phoen.* 291, *Or.* 733, 1233, fr. 497.3.

[46] See *Ol.* 13.13, *Pyth.* 4.133, 5.17, 10.12, *Nem.* 1.28, 3.40, 5.40, 6.8, *Isthm.* 1.40.

[47] Cf. Empedocles fr. 128 D–K.

who make reference to, e.g., *sungenês*. In Herodotus, *sungenês* refers to immediate family or divine descent.[48]

Thucydides uses the concept of kinship very differently.[49] I here focus on the word *sungeneia* itself and its general usage, not all instances of kinship cited by Thucydides; I am interested in the weight that he gives this particular word.[50] He does not use it to refer to family or to divine ancestry, but to city-states or ethnic groups and their relations to one another, and he is certainly the first author to use the word in a diplomatic context.[51] For him, *sungeneia* can be established by a colonizer–colonized relationship, or it can be associated with a formal diplomatic relationship like *summakhia*. His use of the word *sungenês* occurs under similar circumstances, especially the abstract phrase *kata to sungenes*. He also invents another word that refers to kinship, *oikeiotês*.[52]

Sungeneia is used when there is a demonstrable ethnic kinship between the two parties involved, but one that may not be especially close. Thucydides uses the word itself only seven times, although his phrase *kata to sungenes* approximates *sungeneia* in meaning. Twice the word is used with specific reference to colonization: for the relationship between Epidamnus and Corinth (1.26.3), and between Melos and Sparta (5.104.1); both contexts are diplomatic, and *sungeneia* is invoked to allow the weaker state (Melos / Epidamnus) under attack by a stronger state (Athens / Corcyra) to appeal for help from Sparta and Corinth. The Thebans also claim that they and the Plataeans should be kin, instead of divided by the Athenian–Plataean alliance (3.65.3; I return to the theme of kinship thwarted by the Athenians below); this illustrates *sungeneia* as a claim to power over another state. But, what is most significant from my perspective, Thucydides uses the word four times in relation to the Sicilian Expedition: *sungeneia* is a motive for diplomatic and military intervention for both large and small states, combining the situations of Thebes, Melos, and Epidamnus just discussed, and it is sometimes even linked to the concept of a *summakhia*.

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48 Immediate family: 1.109.3, 2.91.6, 3.119.2, 4.147.3–4, 4.164.4, 5.66. Divine descent: 3.2.2.

49 On Thucydides and *sungeneia* in general see Hornblower 1991–2009 II, 61–80.

50 For more general studies of kinship in Thucydides see Alty 1982, 7–11; Crane 1996, 147–161; Hornblower 1991–2009 II, 61–80.

51 Cf. Perlman 2005, 333–334 n. 124, who notes that Thucydides is the first author to use the word in a political sense.

52 On the meaning of this word see Curty 1995, 224–241; Hornblower 1991–2009 II, 64–68.

Even in the first Sicilian Expedition, kinship was cited as a motive for Athenian military intervention in Sicily. Sicily had been settled by those who identified themselves as Dorians (e.g., the Corinthians at Syracuse) and those who identified themselves as Ionians (e.g., the Chalcidians at Leontini, north of Syracuse). The ostensible cause of the first expedition was the Syracusan and Locrian occupation of Messana, who revolted from Athens to join Syracuse, and the subsequent attack of Syracuse, Locri, and Messana on Rhegium, just across the straits in Magna Grecia (Thuc. 4.1). The Athenians came to the aid of the Rhegians, with whom they had a *summakhia* (*IG* I³ 53). The Rhegians were assisted not only by Athens, but also by Naxos and Leontini (Thuc. 4.25); in the account of the Second Sicilian Expedition, we learn that the Leontini and Rhegians are kin (Thuc. 6.44.3). It is the Syracusan demagogue, Hermocrates, who accuses the Athenians of using kinship as a motive for interference in Sicilian affairs (Thuc. 4.61.2) and adds that the Athenians do not care about nationalities (ἔθνεσιν, Thuc. 4.61.3), but only want the resources of Sicily.

Sungeneia plays a larger role in the second Sicilian Expedition. From the very beginning, Thucydides presents it as a major Athenian motive. The ostensible cause is that Syracuse has encroached upon Leontini territory and is attempting to synoecize Leontini with Syracuse. When the initial Egestan embassy makes their appeal to the Assembly, they cite two reasons for Athenian intervention: first, an alliance made during the first expedition with either the Egestans or the Leontini,[53] but second, that the Syracusans could call upon their Dorian kindred κατὰ τὸ ξυγγενές and take over Sicily that way, ending all Athenian alliances and interests there. Kinship is therefore a threat to Athens. Throughout Thuc. Books 6–7, Thucydides often has his historical actors cast the war in Sicily as a war between Ionian and Dorian.[54] In this world, diplomatic affinities are made and military aid is given on the basis of kinship.[55]

Colonization is part of the background to the kinship relationships that Thucydides delineates in Sicily, but he is also interested in the intersection of kinship and diplomacy. Many of the appeals for alliance proposed by one side or the other in Thuc. Books 6–7 rest on kinship: e.g.,

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53 This is a very troubled passage: it is not at all clear with which of the two states the alliance was made, or when, and Athens had alliances with both Egesta and Leontini (*IG* I³ 11, 54). See Dover, *HCT* 4, *ad loc.*

54 Cf. Thuc. 6.20.3, 6.76.2, 6.88.7, 7.58.3. See also Price 2001.

55 Thuc. 6.20.3, 6.46.2, 6.77.1, 6.80.2, 6.79.2, 6.82.3, 6.84.2.

the Athenian expectation that Rhegium, Catana, and Naxos will help the Leontini on the basis of their shared kinship (Thuc. 6.20.3, 6.46.2), or the Syracusan appeal to Camarina for aid or at least neutrality (Thuc. 6.79.2, 6.80.2). But Thucydides specifically combines the concepts of kinship and alliance in three passages. At 6.50.4, he characterizes the Leontini as both allies and kinsmen of the Athenians: ὅτι Ἀθηναῖοι ἥκουσι Λεοντίνους ἐς τὴν ἑαυτῶν κατοικοῦντες κατὰ ξυμμαχίαν καὶ ξυγγενείαν, and furthermore paints the Athenians as the Leontini 'friends and benefactors', φίλους καὶ εὐεργέτας. The fact that Thucydides has the Athenians combine *sungeneia* with *summakhia* suggests that they are attempting to argue that both are valid reasons for intervention in Sicily. The Athenians and the Leontini did in fact have a *summakhia*, as discussed above; the Athenians also had one with the Rhegians, kinsmen of the Leontini (*IG* I^3 53–54). In the context of the Sicilian Expedition, the Athenians are at a disadvantage compared to the Peloponnesians or the Syracusans, since they did not colonize in the west; they cannot claim *direct* kinship through colonization with the Leontini or the Rhegians, but only a *general* Ionian kinship with them via *general* kinship with the Chalcidians on Euboea. The Syracusans *can* claim direct kinship with Corinth, their own colonies on Sicily, or other Sicilian cities also founded by Corinth. They cannot claim anything more than general Dorian kinship with Sparta. Thucydides' narrative of the Sicilian Expedition sees the two major combatants of the Peloponnesian War, Sparta and Athens—neither of whom colonized on a large scale in the west—turning to a new concept in diplomacy, *sungeneia*, in order to justify interference in places where their claim to have moral or ethical (as opposed to only legal, like a relationship of *summakhia*) imperatives to aid or intervene is questionable. This is especially fitting given the context of the Peloponnesian War and Athenian imperialism: the Athenians owed their leadership of the Delian League to a claim of kinship (Thuc. 1.95.1), after all, and the Athenian claim to be the *mētropolis* of Ionia also appears to have gained more prominence at this time (Hdt. 7.51, 8.22; see further discussion below). Athens also had up until 481 and the foundation of the Hellenic League few alliances with fellow Greek states,[56] and certainly no body of allies like Sparta's Peloponnesian League; the Delian League represented quite a departure for Athens in terms of foreign policy. In that context, it would not be especially surprising if the

[56] With the exceptions of Plataea in 519 (Hdt. 6.108, Thuc. 3.68.4), Athens had no long-standing alliances with any other Greek states that we know of.

Athenians, with few ties to the rest of the Greek world, started to adopt the rhetoric of kinship to strengthen their claims of empire.[57]

This argument is supported by two other passages in Books 6–7. Hermocrates, speaking at neutral Camarina, characterizes Athenian motives for being in Sicily—restoration of Leontini kinsfolk and support of Egestan allies (Λεοντίνων τε ξυγγενῶν κατοικίσεις καὶ Ἐγεσταίων ξυμμάχων, Thuc. 6.77.1)—as specious. The Athenians had an alliance with the Leontini as well as the Egestans, yet Thucydides chooses not to have Hermocrates mention that fact; instead his speech focuses on Leontini kinship in contrast to alliance with Egesta. His point is clear: the Athenian claim to kinship with the Leontini and corresponding claim to intervene on their behalf with Syracuse has no merit, and should not account for their presence in Sicily. From the Leontini perspective, however, claimed kinship with Athens is an advantage that might help the smaller state preserve its autonomy in the face of Syracusan imperialism, as in the example discussed above where Melos and Epidamnus evoked kinship with Sparta and Corinth as a defense against Athenians and Corcyraean aggression.

I would suggest that in his use of *sungeneia* in a political or diplomatic sense Thucydides emphasizes that Athens might have needed justification to interfere in places where she might otherwise have had no such right. Thucydides suggests this, as noted, by stressing Leontini kinship with Athens and not the two cities' alliance. One last example may help to illustrate this point; it is the catalogue of allies Thucydides provides before the final battle at Syracuse. The catalogue begins (Thuc. 7.57.1):

> For such was each force against and for Sicily, some coming to conquer the land, some to save it, that made war at Syracuse,[58] not standing with each other so much according to *dikê* or kinship, but as each was held by advantage or by constraint as the case might be.
>
> οὐ κατὰ δικὴν τι μᾶλλον οὐδὲ κατὰ ξυγγενείαν μετ' ἀλλήλων στάντες, ἀλλ' ὡς ἑκάστοις τῆς ξυντυχίας ἢ κατὰ τὸ ξυμφέρον ἢ ἀνάγκῃ ἔσχεν.

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[57] The Spartans may also have made use of such claims; see discussion below.

[58] This standard translation requires going against the natural sense of ἐπὶ Συρακούσας, 'to gain Syracuse' (Dover, *HCT ad loc.*). I suspect that a conjunction, and perhaps more, has fallen out of the text: what Thucydides writes next, that the motives of those who fought were according not to justice or kinship but advantage or force, really applies only to the Athenian catalogue. In the Syracusan catalogue, no combatant fights against his ethnic inclinations, only one group is forced to fight for the Syracusans (the Sicyonians, 7.57.3), and, if advantage refers to financial advantage, there are only some mercenaries from Arcadia (7.57.3).

Despite the claim that the allies did not fight according to kinship, the subsequent catalogue is a catalogue of *ethnê*: Ionian, Dorian, Aeolian, Dryopian, barbarian, many of them fighting against their kindred on the Sicilian side, a point Thucydides emphasizes by referencing ethnic identifications.[59] Thucydides concludes the catalogue with the observation: 'Such were the races (ἔθνη) that marched with the Athenians' (Thuc. 7.57.11). The catalogue begins with a rejection of *sungeneia* as a motive for the Athenian allies (although not for Athens herself), but focuses, in fact, on ethnicity, which suggests that the two concepts are not the same, although they overlap to some degree. I would suggest further that Thucydides' use of the word *sungeneia* in a political sense may reflect usage at Athens herself, and, in particular, perhaps domestic justifications for Athenian imperialism:[60] after all, who would not help kin?[61]

In part, Athenian interest in *sungeneia* in the later fifth century BCE may be directly related to the growth of their identity as Ionians. While they had identified themselves as 'the oldest country of Ionia' since the days of Solon (fr. 4a), Herodotus may record a growing sense of anti-Ionianism in his *History*.[62] Cleisthenes' reorganization of the four Ionic tribes into ten Attic tribes may suggest a similar reaction.[63] And in the fifth century, the Athenian myth of autochthony began to take precedence over their Ionian links.[64] But by the end of the fifth century, the Athenians had again resurrected their Ionian identity. Ion was made a descendant of the autochthonous Erechtheus, and was worshipped in Attica.[65] Euripides' *Ion* shows the new, renascent Ionianism of the Athenians, and is generally dated to 415–412, which ties in with Thucydides' Sicilian narrative above.[66] While autochthony was a valuable part of Athenian imperial ideology, so too was Ionianism: it allowed them to establish control over the Delian League (Thuc. 1.95.1) and to find common cause with their Ionian allies. The renaissance of Ion suggests that the Athenians may have manipulated *sungeneia* as part of their diplomatic discourse, intended to shore up their own power.

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[59] On this catalogue as employing the '*distortion* of kinship' motif see Hornblower 1991–2009 III *ad loc.*

[60] See discussion below on fourth-century treatment of *sungeneia*.

[61] See Christ in this volume for this philosophy within Athens itself.

[62] Hdt. 1.143.3; cf. Alty 1982; Zakaria 2003, 50–51.

[63] Hdt. 5.66, Hall 1997, 54; but see Zakaria 2003, 51.

[64] Hall 1997, 51–56; Loraux 1993, 33–71 and 2006, 209–212.

[65] Kearns 1989, 174–175. Saxonhouse 1986, 252–273 discusses this thoroughly.

[66] For the most recent discussion of the date see Zakaria 2003, 1–7.

In the Sicilian narrative, Thucydides goes to great pains to introduce the notion of kinship as part of political or diplomatic discourse, but he simultaneously undermines it as a genuine motive for intervention in Sicily. It becomes instead a general claim Athenians or even Spartans or Syracusans can make to support their activities abroad. While there is no independent evidence for the use of the word in the fifth century BCE, such as inscriptions, with which we could confirm Thucydides' use of it, *sungeneia*, like *philia*, may have become a more prominent idea during the era of Athenian imperialism and the Peloponnesian War. As an affective relationship, it had great potential for creating union between city-states who were not especially closely linked, or for protecting small states like Leontini or Epidamnus against larger, aggressive states, as the Athenians demonstrated in Sicily, but it also had potential for abuse, as Hermocrates argues with respect to both of the Athenian expeditions to Sicily.

4. Sungeneia *in fourth-century political discourse*

Few fourth-century writers follow Thucydides' lead in using *sungeneia* as a politico-diplomatic term. It continues to be cited as an indication of mythical kinship,[67] but also becomes a key concept in Athenian law,[68] or merely a general word for 'relationship'.[69] It is also equated with friendship and linked to colonization.[70] A few authors do use the term in a domestic political sense; both Xenophon and Plato discuss the civic value of *sungeneia*, especially in light of Athens's successful resistance to the Thirty.[71] Isocrates and Aristotle, however, both use the term in a way consistent with Thucydides' usage, and these instances may be telling. In the *Panegyricus*, published around 380 BCE with the intent to promote panhellenic sentiment against Persia, Isocrates criticizes his

[67] Cf. Pl. *Euthphr*. 11c3, *Lysis* 205c8, Hellanicus *FGrH* 4 F 145, Isoc. 10.23.6, to give but a few examples.

[68] Cf. Isaeus *De Cleon*. 39, 41–43, *De Apoll*. 20, 24, 29, *De Hag*. 3, 6, 10, and Dem. 44.13, 17, 19, 26, and 45.54, 56.

[69] Cf. Arist. *Pol*. 1262a. This usage is also reflected in a biological sense in fifth- and fourth-century scientific treatises.

[70] Friendship: cf. Arist. *Eth. Eud*. 1242a26, 1240b35, *Rh*. 1381b34, 1387b26. Colonization: cf. Arist. *Pol*. 1252b, Ephorus *FGrH* 70F42, 122. The Athenians, of course, did not colonize extensively and therefore could not easily base claims of *sungeneia* on colonization or metropolitan status.

[71] Pl. *Menex*. 244a2, Xen. *Hell*. 2.4.21.

fellow Greeks for ignoring the ties of kinship that bound them to one another in favor of war and enmity between city-states (Isoc. 43.5, 174.3). Much later, in the *Panathenaicus*, which dates to 342 and is his final testament to the glory of Athens, Isocrates characterizes the Athenians as especially concerned for kinship ties and helping their Ionian kin (Isoc. 94.2, 164.7), while the Spartans did much harm to their kin, including the *perioikoi* (Isoc. 94.2, 207.3, 220.4). Isocrates' assertion of strong, beneficial kinship ties between Athens and Ionia echoes Thucydides' account of the Athenian intervention in Sicily, and his encouragement to the Greeks—to put aside enmity and to celebrate their common bonds of *sungeneia*—hearken back to an earlier time, the time of Greek unity after the Persian Wars, which suggests the ideal for which the Greek states strove in terms of maintaining affective relations like kinship, but also how difficult they found it to maintain such affective relationships. Isocrates later presents the Athenians as exceptional in this regard, and, indeed, Athens often cast her fifth-century foreign policy in terms of helping 'the weak and the wronged'.[72] Such a desire to help others needs motive, and *sungeneia* provided that motive for the Athenians.

Particularly interesting in light of Thucydides' use of *sungeneia* is Aristotle's attribution of *sungeneia* to Sparta and Lyktos on Crete. *Pol.* 1271b24–28 has the Spartan lawgiver Lycurgus leaving Sparta and settling at Lyktos and there acquiring the inspiration for his Spartan law code. While sources as early as Herodotus (1.65) had made Crete the inspiration for the Lycurgan reforms, Aristotle is the first to suggest a kinship link. Perlman suggests the possibility of fifth-century Peloponnesians, including both Sparta and Argos, claiming kinship or colonial ties with Crete, presumably to bolster their own hands in Peloponnesian affairs.[73] Like Athens, Sparta and Argos did not colonize extensively, and could not rely on claims of status as a mother-city for kinship. The three states may thus have created close ties by other means: Argos by inserting herself into the narrative of Cretan colonization in the fifth century, Sparta by claiming general kinship with Crete on the basis of their *taxeis* with one another (the *sussition*, serfdom, and governmental organization, as well as the stated colonial ties between Sparta and Lyktos), and Athens by asserting kinship with Ionian states on the basis of a tenuous claim to have colonized Ionia or to be related to Ionian colonizers of sites like Leontini. If this is correct, it ties in nicely with the possibility of *sungeneia*

72 See Missiou 1992 and 1998.
73 Perlman 2005, 317–319.

coming to be used widely in the fifth century, by Athens and other states, as propaganda, and suggests, as Thucydides' Sicilian narrative also does, that the phenomenon of a politico-diplomatic concept of *sungeneia* was not purely Athenian, but more widely spread and directly related to the stresses of the fifth century as Greek states attempted to exploit affective ties in order to gain an advantage over their rivals.

5. *Conclusion*

Philia and *sungeneia* may have first assumed real prominence in Greek diplomacy in the era of the Peloponnesian War; it is then that the latter materializes in political and diplomatic discourse for the first time, and the former becomes paired with legal relationships like *summakhia*. Other changes in diplomatic practice occur at the same time: foreign ambassadors begin to receive *xenia* at Athens, oath-texts vanish from extant treaties between 421 and 375, and the terms of treaties shift from commitments to be a good and faithful ally *vel sim*. to much more limited commitments to defend each ally's land in time of attack. The failure of diplomacy that led up to the Peloponnesian War may have contributed to these changes, particularly the desire to establish *philia* as well as *summakhia* with new allies, but Athenian imperialism also appears to have transformed the landscape of diplomatic discourse: the Athenians adopt claims of *sungeneia* to their own ends, and possibly the Spartans and the Syracusans do as well, in order to justify intervention in places where they might not normally have any right to interfere.

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CHAPTER SIX

TECMESSA'S LEGACY: VALUING OUTSIDERS IN ATHENS' DEMOCRACY

Robert W. Wallace

1. *Introduction*

In contrast to other *poleis* and times, including our own world, classical Athens' discrimination against women and foreigners and its expansion of chattel slavery are often linked with the growth of democracy and civic freedoms for men. On this view, Athenian citizen men consciously embraced an egalitarian civic status which they denied to all others. Sarah Pomeroy has written:

> [A] comparison between archaic and classical Athens gives the impression that women were forced into obscurity in the later period ... [S]ome women—at least those of the upper class—flourished in an aristocratic society, while none fared as well under the democracy ... The will to dominate was such that [men] had to separate themselves as a group and claim to be superior to all nonmembers: foreigners, slaves, and women.

Victoria Wohl calls classical Athens 'a homogeneous and homosocial society', attained 'through the rigorous marginalization and disenfranchisement of ... slaves, barbarians, and women'. David Schaps writes that classical Athens was far more discriminatory against women in regard to property than other *poleis*. Kurt Raaflaub adds that the idea of political liberty, born in 480 BCE when the Greeks freed their country from despotic rule, came to include a more personal dimension as a consequence of Athenian imperialism. Personal freedom evolved from the negative concept of not being ruled, into the positive notion of a citizen as equal partner in ruling, and then to a sense of untrammeled freedom to do and say whatever one liked, including dominating others—women, slaves, and Athens' allies, now openly labeled 'subjects', *hupêkooi*.[1]

[1] Pomeroy 1975, 78; Wohl 1998, 177–178; Schaps 1979, esp. chs. 1 and 6; Raaflaub 2004, *passim*; see also, e.g., Halperin 1990, 95–96; Cartledge 1993 *passim*; Morris 1998.

The current chapter seeks to reinforce but also circumscribe these conclusions. First, a fuller, sometimes darker, outline of Athens' exclusionist mentalities links these specifically to Cleisthenic democracy after 508 BCE (section 2). A second discussion (sections 3–5) then sketches out the history of criticism against such attitudes, starting in the later 460s, and briefly indicates where we can trace greater social integration. This second discussion begins with Sophocles' *Ajax* (my chapter is named for Ajax's foreign slave concubine) because in extant sources *Ajax* alone represents all three marginalized groups—women, foreigners, and slaves—sympathetically to the Athenian democratic citizenry.

2. Herrendemokratie: *a 'masters' democracy'*

For the exclusionist attitudes of Cleisthenic democracy, the institution of deme citizen lists, registering only males, is symptomatic. For the first time Athens officially stated that women and outsiders were not counted. Along with others,[2] in his contribution to this volume Nick Fisher draws attention to the expanded role that all-male civic festivals played in the new democracy. In particular, in 508/507 itself the Athenians instituted annual dithyrambic contests at the Great Dionysia,[3] each of the ten new civic tribes supplying choruses of fifty men and fifty boys for what Zimmermann (1996) calls 'the song of the *polis*'. Disbanded by Peisistratus decades earlier,[4] Athens' now reconstituted hoplite army reinforced men's egalitarian and dominant sense of self.[5] After its series of great victories in 506, Herodotus comments, 'Athens went from strength to strength, and proved ... how noble a thing everyone's equal voice in politics (*isêgoria*) is ... when freedom was won' (Hdt. 5.78).[6] Down through the 450s, the Athenian *dêmos* fought intensely on behalf of other Greeks.

Chattel slavery also increased in this period, not least because greater civic liberty limited exploitation within the civic community and equal participation in the democracy implied freedom from constraining physical toil.[7] Itself untenable, the report (Ath. 272c) that Demetrius of Phaleron's late fourth-century census counted 21,000 citizens and 400,000

[2] E.g., Zimmermann 1996, 42–43; Wilson 2003, 182.
[3] *Marm. Par.* 46, see also the Suda, s.v. 'Lasos of Hermione'.
[4] [Arist.] *Ath. Pol.* 15.3–4, 18.4, cf. Thuc. 6.56.2 and 58.
[5] On the reconstitution of Athens' army see Anderson 2003, 147–157, with references.
[6] Here as elsewhere, translations are my own, often adapted from standard versions.
[7] Garlan 1988, 39.

slaves, at any rate, implies that classical Athens had many more slaves than citizens. Moses Finley concluded, 'the cities in which individual freedom reached its highest expression—most obviously Athens—were cities in which chattel slavery flourished', noting 'the advance, hand in hand, of freedom *and* slavery'. Finley labels slaves 'the outsiders' in classical Athens.[8]

Also darkly, in Amy Richlin's *Pornography and Representation* Robert Sutton examined the vase depictions of gender relations and sexuality from archaic Athens down through the fifth century BCE. Although democratic man's ancestor 'middling man' had long proclaimed disdain for women (cf. Hesiod and Pandora),[9] Sutton writes that in the forty-year period between 510 and 470 many pots depict 'a strictly male-oriented, egocentric eroticism' (1992, 4), 'active hostility and the abuse and degradation of prostitutes' (1992, 11), ugly whores being beaten with slippers while satisfying two men, etc.[10] While not snapshots of daily life, these paintings, often on symposium crockery, probably do illustrate some men's fantasies and social ideologies about women at least among themselves.

As for foreigners, in the post-Cleisthenic years the Athenians 'invented the barbarian', and conceptualized them as anti-Greek opposites to democratic Athenians.[11] The admittedly not wholly consistent contrast between bad Persians and good Athenians in Aeschylus' *Persians* (472 BCE) makes this the one play of his I do not like. A well-known vase of the 460s shows what might be a trousered Persian saying 'I am Eurymedon, I stand bent over', as an Athenian approaches distending his penis, linking sexual with military domination over the barbarian.[12] Robin Osborne notes that examples of elite Athenians marrying foreigners after 480 'are lacking'.[13] In the post-Cleisthenic period the Athenians formalized the metic status, at least later marked by discriminatory legislation.

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[8] Finley 1959,145–164, revised version 1982, 97–115 (the quoted passages on 114–115, his emphasis), see also Ste. Croix 1981, 141–142; Garlan 1988, 39; Osborne 1995, 27–43.

[9] See Morris 1996, 30 ('middling man' is Morris's translation of *mesos* (*politês*)).

[10] Sutton 1992, 3–35.

[11] See E. Hall 1989; J. Hall 1997, 45–47.

[12] For references and controversies surrounding this vase see Smith 1999, 128–141.

[13] Osborne 1997, 7. The wealthy Thracian mother of the anti-democratic historian Thucydides, born ca. 460 BCE, will be an exception proving the rule (cf. also Pericles and Aspasia). Osborne 1997, 8 collects references to social and legal discrimination against Athenians with foreign mothers before 451 BCE.

The Athenians' special claim to be autochthonous also appeared in this period, denoting superiority not only to non-Athenians (such as the Sicilians whom Thucydides' Alcibiades despised as 'mixed and swollen rabbles', 6.17.2)[14] but also to women, as man born from earth excludes man born from woman. In two earlier books and especially *Born of the Earth*, Nicole Loraux linked democratic and Cleisthenic *isonomia* with *isogonia*, equal birth, in which 'the Other'—women, slaves, and foreigners, including metics—did not share. Instead, women are born from the evil Pandora, in a panhellenic not Athenian narrative.[15] If Athens' inconsistently democratic aristocracy had sometimes married wealthy non-Athenians or non-Greeks, in 451/450 BCE the democracy passed a law, sponsored by Pericles, requiring citizens to have Athenian blood on both sides. As we shall see, ethnocentrism was an important factor behind this measure.

Thus, Athens' exclusionist attitudes and ideologies were a product of Cleisthenic democracy: so much for the glorious *Marathônomakhoi*.[16] Did these attitudes and ideologies remain characteristic of Athens down through the classical period, as many have believed? In fact, starting from the later 460s, such attitudes and ideologies were not unquestioned, most visibly in tragedies, a principal source for contemporary debate. In part, they also came to be modified.

3. *Criticism of exclusion: Sophocles'* Ajax

First among relevant plays is Sophocles' *Ajax*, which includes a series of almost Euripidean position debates which have largely gone unnoticed, partly because *Ajax*'s date is unattested (I shall argue for 444 or 443 BCE), partly because it is not so attractive a play as *Antigone* and hence fewer study it (I shall return to this), and partly because Sophoclean scholarship

[14] See Lenfant 2001, 59–78, and J. Hall 1997, 53–56.

[15] See Loraux 1986 (French version 1981) and 1993 (French version 1984). Loraux 1993, 53–56 discusses the Cleisthenic period. Rosivach concludes his 1987 article by linking autochthony with 'democratic ideology, asserting the political equality of all citizens and the superiority of even the humblest citizen to any non-citizen' (1987, 305).

[16] Therefore, for the Cleisthenic generation (and, we shall see, in some measure afterward) I will qualify Ober's statement in 2005, 111 that 'Athenian civic ideology had no well-articulated psychological premises with which to explain why citizenship … should be … denied to women and slaves—or for that matter to resident foreigners'. Unintentionally, the current chapter has proved to be both complementary and in some measure a response to Ober's. (The oxymoron 'quasi rights' tries to fit Athens' world into ours, which may be Ober's goal).

may not always be aware of the social and political controversies behind the play's arguments.[17] Two of these debates argue issues of the 440s democracy that are not relevant to outsiders: whether aristocrats should obey the city's officials (Menelaus, an official, argues yes [Soph. *Aj.* 1052–1085], the nobleman Ajax's half-brother Teucer argues no [Soph. *Aj.* 1093–1117]), and the merits of Athens' new democratic ideology of 'living as you like', first attested in *Ajax* and misrepresented by Athens' conservatives as 'doing what you want',[18] an ideology which Menelaus challenges. 'It is the mark of a *kakos anêr* for an *anêr dêmotês*[19] to refuse to obey those in authority. Laws will never be rightly kept in a city that knows no fear or reverence … Insubordination and doing as you like … invariably … drive a city on … into the sea … Let's not think we can do just what we please' (Soph. *Aj.* 1071–1086). These passages address two potent problems facing 440s Athens, as the democracy solidified its power.

Three other issues in *Ajax* concern slaves, women, and foreigners. *Ajax* addresses the value of slaves three times. In an appeal 'marked both by intense pathos and by the persuasiveness of its arguments',[20] Ajax's devoted concubine Tecmessa, the mother of his dear son and heir Eurysaces but also his captive slave, begins (Soph. *Aj.* 485–491):

> Ajax, my *despotês*, for people there is no greater evil
> than to be at the mercy of compelling fortune.
> I was born of an *eleutheros patêr*;
> if any man in Phrygia was strong and prosperous, he was.
> Now I'm a *doulê*. Such it seems was the gods' will,
> and the will of your strong hand. But since
> I've come to share your bed with you, my thoughts are loyal to you and yours.

If he dies, she says, she will be a slave of his enemies and someone of the *despotai* will make a hateful comment that she is now in servitude, *latreia* (Soph. *Aj.* 493–507). This speech of course echoes Andromache and Hector in Hom. *Il.* 6.406–496. However, Andromache is not a slave but Hector's loving wife—with whom Tecmessa is both assimilated and

[17] Holt 1981 ignores the three components of *Ajax*'s three debates that I discuss, as does Garvie 1998. Rose 1995 focuses on Ajax as an aristocrat in a democracy, a different theme from mine but important in the play. (This article's bibliography is also useful.)

[18] See Wallace 1996, 105–119.

[19] Note how Menelaus designates Ajax; by contrast, Odysseus and others call him *esthlos*.

[20] Garvie 1998, 169.

contrasted, as being in a more pitiful situation—and Hector says not a *despotês* with hate but a Greek will see her and comment sympathetically on her captivity. Tecmessa's speech at once proclaims the slave's terrible condition and her loyalty to her master. Unknown earlier, Tecmessa's role in this drama was probably Sophocles' invention.

In a second passage on the theme of slavery, Teucer fears returning to his father Telamon's home, because unlike his half-brother Ajax he was born of a captive slave (Soph. *Aj*. 1012–1020):

> ... What kind of evil thing will he not say against
> the bastard born from the enemy's spear,
> who betrayed you, dearest Ajax, by cowardice and base manhood
> ... In the end I'll be cast into exile and banished,
> shown to be *doulos logoisin*—a slave by words—and not an *eleutheros*.

As Stanford notes in his *Ajax* commentary (1963, *ad loc*.), *logoisin* need not only mean by Telamon's words, but may also imply 'instead of what I am in actual fact, a free man'. Teucer later remarks (Soph. *Aj*. 1093–1096):

> Men, I never shall be amazed again
> to see a man who is born a nothing go wrong,
> when those who seem to be noble by nature
> utter such wrongful speech.

Finally, Agamemnon addresses Teucer (Soph. *Aj*. 1226–1235):

> 'You there! You're the one they tell me of,
> who has dared to yawp these strong words, unpunished, so far, against me.
> You I mean, the son of a captive woman!
> What if your mother had been well born?
> Then I think you'd strut, then you'd talk big! ...
> Are these not big bad things (*megala kaka*) to hear from slaves?'

Teucer replies (Soph. *Aj*. 1289), 'The slave, yes! the barbarian mother's son!'.

In these passages Sophocles addresses the issue of slavery with sympathy, noting the arbitrariness of a slave's unfortunate status. Tecmessa adds that she has come to be 'well disposed to all that is yours' (Soph. *Aj*. 490–491). The idea that slaves become loyal to their captors has been heard before, in the captive women chorus in Aeschylus' *Choephori* (75–83) of 458 BCE.[21] It implies the desire to think that the good will of slaves might in some measure become voluntary.

[21] See Garlan 1988, 149–150.

A second, poignant, issue in *Ajax* is women. In her pathetic speech Tecmessa appeals to Ajax not to kill himself, as then she will 'no longer have anywhere to look for help' (Soph. *Aj*. 514–515). 'You are my only safety'. All brutal Ajax can say is that she will gain his approval 'if only she sets her mind to do what I order her' (Soph. *Aj*. 528)—she immediately says she will obey. When Tecmessa laments his upcoming death, he exclaims, 'What a plaintive creature woman is!' and tells her she is growing tedious in trying to save him (Soph. *Aj*. 579–595). She asks, '*despot' Aias*, what in your heart are you thinking of doing?' (585), to which he replies, 'Do not question me, do not examine me. Self control [*sôphronein*] is good' (Soph. *Aj*. 586). The audience surely again is meant to sympathize with Tecmessa, rather than with Ajax's contempt for her and women generally. Stanford notes (1963, on lines 585–586), 'with sublime effrontery from a man who has just been homicidally mad, he adds "restraint is a fine thing" (i.e. for a woman)'.

A third issue is foreigners. Although Tecmessa notes that she is of Phrygian (i.e., Trojan) origin (Soph. *Aj*. 488), here Teucer carries the freight, responding to Agamemnon (Soph. *Aj*.1289–1298):

> The slave, yes! the barbarian mother's son!
> Wretched man, why do you light upon that taunt?
> Aren't you aware that your own grandfather,
> old Pelops, was a barbarous Phrygian? ... You yourself
> had a Cretan for your mother, in whose bed
> an interloping foreigner was discovered ...
> These are your origins. Can you censure mine?

4. *Defending women*

While *Ajax* uniquely challenges all three exclusionist attitudes characteristic of Cleisthenic democracy, tragedy's defense of women had started already in the later 460s. All extant plays between 463 and 431 BCE bring on stage brave, strong, and victimized women, and appalling or pathetic men. In 463 Aeschylus staged the *Suppliant Women*, in which the Danaids are ready to die rather than endure forced marriages. In *Agamemnon* of 458, an appalling Agamemnon abandoned his wife for ten years, slit the throat of their daughter, and returned home with a concubine. We are not meant to approve. Contrasting also to the wimp Aegisthus, Clytaemnestra, while murderous, adulterous, and treacherous, is also formidable and justified, addressing the lot of women

sympathetically.[22] Cassandra, once free but now a captive slave woman, is an object of pity. In *Prometheus vinctus* both Zeus and Hera terribly victimize innocent Io. In Sophocles' *Trachiniae*, everyone is undone because of brutal, adulterous Heracles' infidelity to his loving wife Deinaneira. In *Antigone*, Creon's first word is *andres*. Again and again he says he refuses to yield to a woman: 'I am no man and she the man instead' if she prevails; 'I won't be called weaker than a woman', etc. Yet in brilliant dramaturgy, while Antigone can be harsh, cruel, and contradictory, Creon comes to accept her position, and the gods prove her right. As Mark Griffith says, 'as we hear Creon shrilly—and erroneously—berating his nieces and son, and insisting on the need for men always to "be master" of women, even the most misogynistic and paternalistic Athenian must have felt some qualms'.[23] In Euripides' *Alcestis* of 438, all the male characters are pathetic: Jason, Pheres, Admetus. Only Alcestis is brave, generous, and strong, sacrificing herself for her husband and then staring silently as he betrays his vows to her. And if Euripides' Medea is more complex than Alcestis and ends up like Clytaemnestra a killer, she too delivers cogent arguments against women's difficult circumstances, while both Creon and Jason speak and behave disgracefully (Luschnig 2007). Written by men for audiences of men, all these plays include protests at men's mistreatment of women.

Furthermore, during these same decades in other public contexts, more benevolent and inclusive sentiments towards women also came to prevail. Although this is not the place to fully document these developments and we must always remember that public and private attitudes need have no direct correlation, some data are suggestive. Thus, for example, Robin Osborne has documented the more prominent and sympathetic treatment of women on white-ground *lekuthoi* from the later 460s, and in Attic funerary monuments after the mid fifth century.[24] In contrast to other *poleis*, he writes, a person entering an Attic cemetery in the late sixth century would see reliefs, inscriptions, and sculpture almost entirely of men. A century later he would see commemorations 'dominated by women' (1997, 12). As Sutton (1992) showed, pornography on vases slows in the 460s and stops by 450. Later vases typically depict polite romantic scenes of courting, bathing, and weddings, which Sutton

[22] See e.g. lines 861–876. Elsewhere I hope to argue Clytemnestra's case in *Agamemnon*.

[23] Griffith 1999, 51.

[24] Osborne 1997, 11–33.

thinks were 'aimed in good part at a feminine audience that had previously been neglected' (1992, 4), and which he compares to the Hollywood films of Doris Day and Rock Hudson. A fourth- or third-century epitaph from Piraeus, 'In this tomb lies Chaerestrate, whom her husband | loved (*esterxen*) while she was alive. When she died, he grieved for her',[25] may be the first extant public statement since Homer's Achilles (Hom. *Il.* 9.336–343) that a man loves his wife.

Legal developments also seem to indicate public or social shifts. If Cleisthenic citizenship provisions excluded Attic women, Pericles' citizenship law of 451 / 450 BCE in some measure reinstated them. The point of Osborne's 1997 article was to argue that this law both reflected and produced a positive revaluation of *Attikai*. If other laws of the democracy continued to discriminate against citizen women (when they were passed, they were patently intended to discriminate), at least sometimes in the fourth century some of these laws were not enforced. For example, although Attic law forbade women from engaging in transactions worth more than a bushel of grain (Isae. 10.10), various contrary cases are reported, especially involving widows. So the widow of Polyeuctus in Demosthenes 41 lent one Spoudias 1,800 drachmas (41.8–9, 17, 20–24). Demosthenes' widowed mother controlled significant property and declined to accept a *kurios* (e.g., Dem. 27.14–15, 53). Aeschines (1.170–172) indicates at least some instances where a husband's widow managed (*dioikein*) the family property as head of the household. 'Demosthenes, after he had spent his patrimony, went up and down the city, hunting rich young fellows whose fathers were dead and whose mothers were managing their property … as *hêgemôn* of the household.'[26] Many citizen women worked at a wide variety of admittedly mostly low-status jobs such as nursing or selling ribbons in the agora (Brock 1994). Lots of adultery by wives did not result in the mandatory legal penalty of divorce but was ignored.[27] In Demosthenes 59, Apollodorus makes clear that many Athenian men had known the Corinthian courtesan

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[25] Kaibel, *Epigrammata Graeca* 44.2–3; Lattimore 1962, 275.

[26] For parallel examples of not enforcing laws, compare the later fourth-century Aristotelian *Ath. Pol.* 7, claiming that no candidate for the archonship would admit that he was a thete, although thetes were legally barred from that office. Cf. also Aeschines 1, stating that although everyone knew (Aeschines repeatedly emphasizes) that Timarchus had once been a male prostitute (and Timarchus was convicted of this in 343), he had previously held many civic offices barred to such persons.

[27] See D. Cohen 1991, esp. Chapter 6 ('Adultery, women, and social control') and pp. 129–133.

Neaera for years, and yet her daughter was still able to marry two citizens, first Phrastor and then Theogenes, a *basileus*. Isaeus 3 records a dispute over the estate of one Pyrrhus: was he properly married to Phile's mother? Evidence from uncles supported Phile's claim (Isae. 3.29–34), but one court had already rejected it, and the speaker's assertion that Phile's mother was a *hetaira* is supported by allegations of quarrels, noisy parties, and other wild behavior whenever she appeared (Isae. 3.13–14). Her status is and may always have been unclear. However, she was well taken care of by Pyrrhus' family, despite any bad behavior. She apparently felt free to engage in nonconformist behavior, although it affected the major civic issues of marriage, citizenship, and inheritance.

As Cynthia Patterson, David Cohen, Edward Cohen, Virginia Hunter, and others have shown from the literary, historical, and archaeological record, down through the fourth century real women's lives often improved and public consideration of women increased, on stage, in courtrooms, and in the Assembly.[28] If Old Comedy's treatment of women remained ambiguous (Aristophanes' audiences presumably laughed when a starving Megarian is compelled to sell his daughters—his 'little piggies / cunties'—in *Acharnenses* 729–835),[29] New Comedy reflected more positive public assessments. In Menander's *Epitrepontes*, Charisius reproaches himself for treating his wife harshly because she had borne an illegitimate child when he also had sired one. 'I had no compassion for her', he says, 'I'm a merciless barbarian' (Men. *Epit*. 679–684 Loeb = 574–579 Körte).[30] In contrast to Euripides' *Medea* where Medea kills her children to strike at her faithless husband, in the early fourth-century play by Carcinus Medea secretly sent her children away, apparently to save them. In Euripides' *Alope*, when Poseidon rapes Alope and her father Cercyon learns of it, he kills her. In Carcinus' version, Cercyon merely succumbs to excessive sorrow and renounces life. In Astydamas' *Alcmaeon*, Alcmaeon kills his own mother but in ignorance, not in full knowledge as Euripides wrote.

Public delicacy also appears in the courtroom, a men's space. Among many examples, Demosthenes tells the dikasts that when Meidias and his friends burst into his house, 'in the presence of my sister, who was still a

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[28] See, e.g., D. Cohen 1991, Chapter 6, the essays in Hunter and Edmondson 2000, Patterson 1986, and E. Cohen 2000.

[29] See also Rosen 1997, e.g., 159.

[30] For this and the following examples see Xanthakis-Karamanos 1979.

young girl living at home, they used foul language such as only men of their stamp would use—nothing would induce me to repeat to you some of their expressions' (Dem. 21.78–79).

Of course contrary examples occur, as men among men indulged in old-fashioned Cleisthenic ways. Most conspicuously, the brief dismissive comment about women in the Funeral Oration which Thucydides wrote for Pericles (Thuc. 2.45.2) parodies outdated democratic traditions in ways actually counter-indicated for Pericles himself (contrast his citizenship law and his devoted love for Aspasia). Courtroom orations (to men) scarcely waver from the public ideology that respectable women remain inside (for social realities, contrast D. Cohen 1991), and should not be named in public. But times had changed, in part for reasons that conservative writers explain. First, they claim, democratic tolerance, the democratic ideology of 'living as you like', was becoming more inclusive. Aristotle regards as 'characteristic of popular government' the 'lack of rule over slaves … as well as over women and children, and tolerating everyone living as he wants' (Arist. *Pol.* 1319b27–31). He notes that the office of *gunaikonomoi*, 'regulators of women', was characteristic of oligarchies but not of democracies, where, he says, it is impossible to keep poor women from leaving the house to work (Arist. *Pol.* 1300a4–9). Thus for Aristotle, oligarchies more closely regulated women's lives, while in democracies women could take greater liberties. The anti-democratic Plato bitterly complains 'how much equality (*isonomia*) and freedom (*eleutheria*) there is among women towards men and among men towards women' in democracies (Pl. *Resp.* 563b). Second, democratic ideology itself was expanding. In Herodotus' 'Constitutional debate', written perhaps in the 430s, a defining sin of the *monarkhos* is that he abuses women (Hdt. 3.80). In his debate with Aeschylus in Aristophanes' *Ranae*, Euripides remarks, 'right from my first plays I had women speak and slaves no less, and the master and the girl and the old lady'. When Aeschylus—a *Marathônomakhos*—objects, 'Ought you not to die for such audacity?', Euripides states, 'No, by Apollo, for it was democratic what I was doing' (Ar. *Ran.* 948–952). Of course Aristophanes may somehow be joking, yet it is striking that Euripides' 'democracy' was the polar opposite of Cleisthenes'. By the end of the fifth century, the ideology of democracy might not refer only to men. Third, Athens' classical democracy was behaving more as an elite, as ordinary Athenians governed, fought, went to the theater, and had slaves to work for them. They came to be prepared to welcome not the severe Cleisthenic status of women, but a more tolerant, gentle, and inclusive model such as characterized aristocracies.

5. *Slaves and foreigners*

On slaves and foreigners the evidence is more complex. On the one hand, we have become ever more aware of at least public ideologies to treat slaves well. The mistress of a household officially welcomed newly purchased slaves (as she herself had been welcomed) with showers of figs, dates, and other delicacies, signifying that they had entered 'a sweet and pleasant situation'.[31] (This 'happy welcome' must have bemused many slaves.) Slaves are most often called *oiketai*, 'house-people', although conservatives like the Old Oligarch relentlessly call them *douloi*. In [Dem.] 47, a public discourse, the speaker is pleased to mention that the old slave nurse eats in the courtyard together with the family (47.55), she drinks and eats from the same costly vessel (47.58), her master expresses confidence in her (47.56), and when she becomes sick, the family doctor cares for her (47.67). Athens' law against *hubris*, outrageous violence, extended its protections to all persons including slaves, women, and children (Dem. 21.47), even though in a Cleisthenic mode Aeschines (1.17) explains to the *dêmos* that that provision only reflects the law's concern for proper behavior by citizens: 'it was not for the slaves that the lawgiver was concerned', and Demosthenes also expresses surprise.[32] By contrast, another public discourse, [Andocides] 4 *Against Alcibiades*, claims that Alcibiades 'carries his criminal excess so far that, after recommending that the Melians be sold into slavery, he purchased a woman from among the captives and has had a child by her' ([Andoc.] 4.21). This child's family is 'divided between those who have committed and those who have suffered the most extreme wrongs … this woman he turned from free into slave, whose father and male relatives he killed, and whose *polis* he obliterated'. Sounding nearly like *Ajax*'s Tecmessa, this speaker expects his audience to be sympathetic to the enslaved Melians—though especially to its women. In Xenophon (*Oec*. 7.37) the wealthy landowner Ischomachus tells his young wife that she must care for any ill slaves. She replies that she is delighted to do so, if they will feel grateful and more benevolent than before. The response to the question whether one should call a doctor to save a sick slave is 'of course!' (Xen. *Mem*. 2.10.2).

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31 *Lex. Seguer*. 269.9 Bekker, Ar. *Plut*. 768 and schol. D. 45.74, Poll. 3.77; Harpocration and the Suda s.v. *katakhusmata*.

32 Chronology probably rules out Ober's (2005, 122) suggestion that the *hubris* law was a 'democratic … rejoinder to aristocratic laws establishing "controllers of women"', on whom see briefly below and in more detail my essay 'On not legislating sexual conduct in fourth-century Athens' (Wallace 1997, 164–166).

The Hippocratic corpus draws no distinction between slave patients and others.[33] We also find the same sympathy for slaves in tragedy as we found for women. In Euripides' *Andromache* 648–649 the wicked Spartan Menelaus expresses outrage that Peleus should be at odds with him over 'a *barbaros* woman'—that is, Hector's captured wife Andromache. Euripides' *Troades* bitterly indicts the Greeks' mistreatment of captive women at Troy. Euripides' *Ion* (854–856) and two fragments (511, 831) mention that slaves were such in name only and might be as worthy as free persons.[34] All these public texts reflect the sentiment that the largest Greek slave-owning *polis* should treat slaves well. The *dêmos* also heard a mix of other comments. A transgressive genre as its vulgarities make clear, Old Comedy mostly represents slaves harshly and unsympathetically,[35] although Dover notes that this changed in the fourth century.[36]

On foreigners the picture is more gloomy, despite Sophocles' *Ajax*. Here I return to the question of *Ajax*'s date, which (I agree with many) was most likely the 440s before *Antigone* (442).[37] Certain Aeschylean linguistic features such as heavy compounds put the play early in Sophocles' oeuvre. It may not have been observed that *Ajax* lines 126 (*hêmas … kouphên skian*), 131–132 (*hêmera … hapanta t' anthrōpeia*), and 137–138 (*hotan plêgê dios … epibêi*) seem to echo lines 95–96 of the splendid closing stanza (*ti de tis ti d' outis*) of Pindar's *Pythian* 8, dated 446 and performed on Aegina, now an Athenian possession (cf. *epameroi …, skias onar anthrôpos. all' hotan aigla diosdotos elthêi*, and Pindar's reference to Ajax's family). *Ajax*'s plot is similar to *Antigone*'s—a disgruntled aristocrat tries to kill his fellow citizens and dies, provoking the central dispute over burial—but it is a worse play which *Antigone* rewrites (see below). Finally, Philochorus records that in 445 / 444, during a major grain distribution of a donation by Psammetichus, 4,760 people were driven off the citizen rolls after 'bitter scrutinies', at least some of them (not all, as Plutarch says) by enforcing Pericles' 451 / 450 law.[38] Sophocles' play

[33] See esp. Hippoc. *Epid.* 1.15, 2.4, 5, 4.9, and Kudlien 1968.

[34] From Euripides' many passages protesting slavery, Guthrie (1969, 155–159) argued that he must have thought it should be abolished.

[35] See, e.g., Ar. *Av.* 1317–1329, *Vesp.* 1292–1325, *Lys.* 1216–1624.

[36] Dover 1972, 204–208.

[37] See Garvie 1998, 6–8, with references ('nothing contradicts a date in the 440s').

[38] Philochorus, *FGrH* 328 fr. 119 = schol. Ar. *Vesp.* 718: 'At the grain distributions a severe examination was carried out to establish who were the genuine citizens, with the result that people were brought to court on charges of making illegitimate claims to citizenship … 4,760 were discovered to have been improperly entered on the registers.'

seems to have responded to the turmoil these expulsions caused.[39] For these reasons it is best dated to 444 or 443, and its near-contemporary testimony suggests that Pericles' law reflected an element of ethnocentrism.

On behalf of non-citizen outsiders, however, *Ajax*'s contestations find few parallels. With few exceptions, in the classical period the Athenians relentlessly based citizenship on Athenian descent. Even in 403 BCE they could not bring themselves to enfranchise the metics and slaves who had fought for the democracy against the Thirty Tyrants (see Davies 1977 / 1978). Metics are not mentioned in Athens' public funeral orations, although they died for their adopted city and were buried in the public tomb. In the *parabasis* of Aristophanes' *Acharnenses* (507–508), Dicaeopolis likens metics—some of them present in the audience—to husks of grain: citizens are the kernels. Euripides' Ion prays: 'May I have free speech (*parrhêsia*) from my mother. For if some foreigner fall into the pure city, even if he be an *astos* in name, his mouth will be slave, and he has no *parrhêsia*' (Eur. *Ion* 671–675). The snobbish anti-democrat Xenophon calls 'many of them' 'Lydians and Phrygians and Syrians and every other sort of *barbaroi*' (Xen. *Por*. 2.3). In public gatherings, Demosthenes (22.54) may lambaste the tax-collector Androtion 'for imprisoning and outraging (*hubrizein*) Athenian citizens and the unfortunate metics, whom you have treated with greater *hubris* than your own slaves'. [Demosthenes] 25.56–57 indignantly takes Aristogeiton to task for striking, driving out, and dragging away to auction a female metic who had once been his concubine and taken him in. On the other hand, Aeschines (1.195) asks Athens' pederasts 'to turn to the foreigners and the metics, that [the pederasts] not be deprived of their predilection and [the citizens] not be harmed'. We also recall Apollodorus' pathetic description of himself, Athens' richest man but son of the ex-slave Pasion ([Dem.] 45.77–78):

> For myself, men of Athens, in the matter of my outward appearance, my fast walking, and my loud voice, I judge that I am not one of those favored by nature ... but I am moderate in all my personal expenses. As you know, however, I perform whatever concerns the *polis* and you as lavishly as I can, for I am well aware that for you who are citizens by birth it is sufficient to perform liturgies as the laws require; we on the contrary who are created citizens ought to show that we perform them as a grateful payment of a debt.

Ar. *Vesp*. 715–718 implies that scrutiny of the citizen rolls was common at public grain distributions. See also Plut. *Per*. 37.4, 'a great crop of prosecutions'.

[39] Cf. Robert 1964, 218.

Even humble Athenian merchants pour scorn on the foreigners with whom they do business.[40]

On both slaves and foreigners it is instructive to compare *Ajax* with *Antigone*. Despite their similar plots, *Antigone* drops *Ajax*'s focus on the aristocracy to replace it first by the family—Ajax is again and again called noble, but Polyneices never is, he is Antigone's brother—and second by a woman: Antigone is a far more central and complex character than Tecmessa. With the issue of women Sophocles realized he had a winner, as he did not when defending a brutal aristocrat. His extant plays never again defend foreigners or slaves as such. By contrast, anxiety about or hostility to foreigners is a frequent theme in Euripides (see most famously *Ion* 722 and 1048–1050), and, of course, insulting allegations of foreign birth are common against politicians in Old Comedy.

With foreigners also, the Athenians sometimes ignored their own exclusionary laws. It is easy to understand why they did not enforce Pericles' citizenship law during the Peloponnesian War (for example, Demosthenes' mother was non-Athenian, but he was a citizen). In Demosthenes 59, as I have mentioned, Apollodorus makes patently clear that many Athenian men had known the non-citizen courtesan Neaera for years, and yet her daughter was still able to marry two citizens, Phrastor and then Theogenes, a *basileus*.

It is thus paradoxical that assessments of the greater acceptance of slaves and foreigners (as well as women) within Athens' democracy are now provided by Athens' elite anti-democratic conservatives, who had once lamented the democracy's mistreatment of women but now lamented what they considered its greater acceptance of outsiders. In the light of their prejudice against democracy and (we have seen) public statements in democratic contexts that in some measure contradict their complaints, it is important not to accept these statements simply as historical fact. They may nonetheless have had some basis in current developments. Thus 'at Athens', the 'Old Oligarch' complained ca. 424 BCE, 'there is the greatest licentiousness among the slaves and metics' ([Xen.] *Ath. Pol.* 1.10). Despite their 'maximum *akolasia*', 'you cannot hit slaves, and a slave will not stand aside for you' ([Xen.] *Ath. Pol.* 1.10–12):

> For the people are no better dressed than the slaves [confirmed by Dem. 47.58–59, 61] and metics, nor are they better looking ... They allow the slaves to live luxuriously there and some of them to enjoy a grand lifestyle,

[40] See Dem. 44 and 57, and also, e.g., [Dem.] 35.26, 50.26, and Mossé 1983, 58–62.

> … and to let them go free (*eleutherous*) … we have made 'equal speech' (*isêgoria*) for the slaves in relation to the free, and for the metics in relation to the citizens (*astoi*).

'Even in private homes', Xenophon complains, slave owners, though nominally masters, were 'quite unable to assert their authority over' their slaves (Xen. *Cyr.* 1.1). For Plato, Athens' democracy meant excessive freedom for everyone. Slaves, women, metics, even Athens' horses and donkeys were 'full of freedom', bumping into everyone they met and refusing to step aside for citizens on the street (Pl. *Resp.* 562c–564a). Plato's indignation produced the provocative inversion that in democratic Athens slaves were free. 'The climax of the freedom of the masses in such a regime is attained when purchased slaves, male and female, are no less free than the owners who bought them' (Pl. *Resp.* 563b). In *Politics* 1, Aristotle considers women, children, and those whom he calls 'natural' (i.e. non-Greek) slaves, too mentally deficient to be citizens. He further assimilates to slaves those citizens who worked for others or at crafts (*banausoi*: Arist. *Pol.* 1.13).

6. *Conclusion*

While in contrast to aristocratic culture the Cleisthenic democracy discriminated against women and foreigners and oversaw the expansion of slavery, during the later fifth and fourth centuries Athens' democracy became more inclusive, especially towards women (who were after all *Attikai*), and in part towards slaves, who lived together with the citizens who depended on them. Only foreigners, resident or not, continued to be mostly excluded and denigrated. By contrast with the democracy, Athens' anti-democratic elite first protested against the democracy's social exclusions but then, perversely, came to embrace them, as democratic society became more inclusive.

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CHAPTER SEVEN

THE INSTRUMENTAL VALUE OF OTHERS AND INSTITUTIONAL CHANGE: AN ATHENIAN CASE STUDY

Josiah Ober

1. *Instrumental vs. inherent value*

Among the central problems addressed by contemporary moral philosophy is the ethical question of how others ought to be valued.[1] The primary issue for ethicists is not whether we should value others, but our reasons for valuing them. The categorical imperative of Kantian deontological (rights- and duties-centered) ethics insists that we treat others as inherently valuable ends-in-themselves, rather than as instruments or means to our own valued ends. Utilitarian or consequentialist (outcome-centered) ethics, on the other hand, allows considerable space for instrumentalizing others. The goal of the consequentialist is maximizing the quantity of some good, measured by aggregating utility satisfaction or preferences, across a given population (e.g. the residents of a state, all humanity, or even all sentient beings). Ancient Greek systems of ethics, with their focus on character and the virtues, cannot be reduced to a choice between deontology and consequentialism. Yet the contemporary ethical dichotomy nonetheless provides a useful device for evaluating changes in ancient institutions.[2]

Since antiquity, political philosophy has been closely aligned with ethics: questions of justice, obedience, and legitimate authority are not easily severed from the ethical question of why and how to value

[1] Sections 3–6 of this chapter are adapted from Ober 2008, chapter 6.

[2] Deontology and consequentialism: Kagan 1998. For the record my own moral commitments are neither primarily deontological nor primarily consequentialist but rather those of a liberal-leaning inclusivist Aristotelian; see Ober 2007.

others.[3] And so, it is worth asking: when ancient political institutions seem newly attentive to the interests of non-citizen others, how was this revaluation of outsiders by citizen-lawmakers motivated? Classical Greek state institutions were not much concerned with the inherent or 'human' rights that are fundamental for modern systems of justice with a deontological bent.[4] Rather than treating each individual as an intrinsically valuable end, democratic Athenian law was, I will suggest, generally consequentialist in its approach to regulating interpersonal relations.[5]

This chapter argues that a primary motive for certain changes in Athenian rules in the direction of increased legal access and impartiality in the fourth century BCE was Athenian awareness of the increased instrumental value of foreigners. Foreigners became economically valuable—that is, they contributed to the material flourishing of the *polis* both in the form of state revenues and of the livelihoods of individual citizens—when their voluntary choices led them to bring lucrative business to Piraeus rather than (say) to Corinth, Aegina, or Megara. New Athenian rules were aimed at persuading foreigners to do business in Athens. Foreigners gained greater access to some Athenian institutions, and fairness, in the sense of impartiality, was more evident in some forms of legal decision-making. These new rules appear to have worked; Athens became more prosperous by the later fourth century, at least in part because foreigners liked the new rules and so did more business there. Because increased access and impartiality were not prompted by a changed Athenian approach to the ends / means distinction, a Kantian deontologist would deny that the new rules made Athens a better place. A consequentialist might, however, disagree. I will return to the question of evaluating the moral significance of Athenian institutional changes in the Conclusion.

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[3] Aristotle, for example, intended the *Nicomachean Ethics* to be read in conjunction with the *Politics*. Modern political philosophy was transformed by John Rawls' project in *A Theory of Justice* of uniting the deontological commitments of Kantian ethics with assumptions about individual rationality drawn from social contract theory: Rawls 1999 (1971).

[4] For a review of Athenian approach to 'rights' see Ober 2005a, Chapter 5.

[5] Important work on foreigners in Athens includes Whitehead 1977; Baslez 1984; McKechnie 1985; Patterson 2000; Cohen 2005 (each with substantial bibliography).

2. *Rules and interests*

Athenian institutions, like institutions elsewhere, can be understood as 'action-guiding rules'.[6] Athenian rules specified the conditions under which people were allowed to treat others as means to their own ends. The rules defined who was allowed to seek to increase his / her utility in respect to which others, and under what conditions. Athenian citizenship can be understood as (*inter alia*) legal immunity in respect of being forcibly coerced into serving as an instrument to serve other citizens' ends. Slaves, by contrast, could legally be treated by their masters as means to a very wide variety of utility-maximizing ends (economic gain, sexual pleasure, and so on). Free foreigners, native Athenian women, and the children of citizens fell someplace in between male citizens and slaves in terms of their legal exposure to being coerced into an instrumental role. Here, our main concern is with the rules concerning free foreigners permanently resident in or visiting Athens—*metoikoi* and *xenoi* respectively.

The rules developed by a given state that concern the legal standing of foreigners sometimes change, and any social scientist interested in institutions will want to ask why. The general hypothesis this chapter sets out to test is as follows:

> *When foreigners become relatively more important (instrumentally valuable) to a state, and when the state lacks the coercive power to extract rents from them, the rules of the state will be changed in their favor (will take their interests and preferences more into account).*[7]

In democratic Athens, the rule-makers were citizens: the *dêmos* gathered in the Assembly and, in the fourth century, in boards of lawmakers (*nomothetai*) selected by lot from citizens aged thirty and above. The hypothesis can be tested by looking at the ways in which these Athenian rule-makers responded to changes in the economic importance of outsiders to Athens and to changes in Athenian coercive capacity.

In the fifth and fourth centuries alike, Athens was very productive (in terms of wealth and power) in comparison with rival *poleis*—yet the sources of Athenian productivity changed over time. For much of the fifth century superior Athenian productivity was, at least in part, a

[6] Action-guiding rules are discussed in detail in Ober 2008, Chapter 1.

[7] For discussions of rent-seeking (i.e. the use of power asymmetry to extract economic surplus) see Krueger 1973; Baumol 1993 and 2004.

function of coercive imperialism and violent (or at least potentially violent) resource extraction. But in the early democracy (ca. 506–478 BCE) that preceded the imperial period, and again in the post-imperial fourth century, Athens lacked an empire from which to extract rents substantial enough to sustain the state's prosperity. During these pre- and post-imperial eras, Athenian economic performance depended primarily on domestic production and exchange. Athenian prosperity in the post-imperial fourth century was sustained in part by innovations in public institutions and by newly developed credit instruments.[8]

The early, pre-imperial, democracy had relatively limited coercive capacity and appears to have recognized the value of foreigners—or at least the danger of disregarding their preferences. The democracy began with an act of inclusivity: the Cleisthenic tribe / deme reform that followed immediately upon the revolution of 508 / 507 BCE implicitly recognized all resident free males as citizens—thus accepting as citizens people who had moved to Athens quite recently, as well as those who could trace their ancestry back to the days of Solon and before.[9] In the imperial fifth century, however, Athenian military superiority enabled Athens to extract rents in the form of tribute (and other goods and services) from non-Athenian imperial subjects by the use—or threat—of force.[10] [Xenophon] (the 'Old Oligarch'), Thucydides, and Aristophanes make it eminently clear that the relationship between Athens' coercive capacity and Athenian public and private interests was well understood by fifth-century Athenians. Under these conditions, we would expect the rules concerning foreigners to be relatively unresponsive to their interests. This in fact appears to be the case: a notable case in point is the Periclean citizenship law of 451 / 450 forbidding non-Athenians to marry

[8] Institutional innovations: Ober 2008; credit instruments: Cohen 1992. It is wrong to imagine that Athens had *no* imperialistic ambitions or tendencies in the fourth century: see Buckler 2003 for detailed discussion. But in any event, with the exception of the control of three Aegean islands, Lemnos, Imbros, and Skyros, which were regular sources of revenue from a grain tax (Stroud 1998), Athenian imperial enterprises before and after the period of the fifth-century 'high Empire' neither produced net revenue gains nor promoted overall Athenian material flourishing. See further Griffith 1978; Oliver 2007; Moreno 2008.

[9] Citizenship in Cleisthenic reforms: Manville 1990; Badian 2000.

[10] Exactly how coercive the Athenian Empire really was, and when various coercive measures were passed by the Athenian assembly, is much debated; see, recently, Morris 2009; Ma, Papazarkadas, and Parker 2009. But the general point, that Athenian coercive capacity was much greater in the middle decades of the fifth century than before the Persian Wars or after 404 BCE, is not in doubt.

Athenians. Much contemporary scholarly work on Athenian hostility or contempt towards 'outsider-others' focuses on texts and images produced in the imperial fifth century.[11]

After the Peloponnesian War, with the loss of its empire and naval supremacy, Athens' capacity to coerce outsiders was once again relatively limited. The Athenian state could no longer demand tribute or mandate the use of its coinage in Aegean markets. Yet the Athenian state still required substantial revenues each year to fulfill public purposes (e.g., military and social security). With the end of imperial tribute, foreign traders, both those resident in Athens and transients, became a more important source of state revenue and private Athenian wealth. Taxes on trade and traders constituted a prime source of Athenian revenue. Foreign residents paid a head tax and the state collected a tax on goods entering and leaving Athens' harbors. Meanwhile, many private citizens sought their living in commercial activities. Fewer individual Athenian citizens made their living by extracting imperial rents (e.g. as cleruchs). Fourth-century citizens were more likely to depend, directly or indirectly, on economic endeavors in which the voluntary choices made by foreigners played a significant role. Greek traders now had a choice of where to do business: in the Saronic Gulf alone, Megara, Corinth, and Aegina maintained active ports. And so, *ex hypothesi*, we should expect the Athenian state to have changed the rules in ways that took more account of the preferences and interests of foreigners.[12]

In the 'post-imperial' fourth century certain Athenian procedural rules governing *access to* legal institutions and *partiality of* legal judgments were changed in ways that, on the face of it, ought to have benefited at least some non-citizen residents and visitors—and especially members of the foreign trading community (sections 4–6). Meanwhile, there is good reason to believe that, after a hiatus in the aftermath of the Peloponnesian War, Athens became an increasingly important center of Aegean trade. By the 330s BCE, it appears that Athenian revenues were equal to or higher than what they had been in the 430s, at the height of the Empire. Athens was once again engaged actively in public building projects. The state offered substantial welfare benefits

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[11] Athenian citizenship law: Patterson 2005. Athenians and 'others': Hall 1989; Cartledge 1993, with counterpoint of Allen 2003a and 2003b.

[12] The increased importance of trade and foreign traders in the fourth century: McKechnie 1989; Burke 1990.

to citizens, and wages for both skilled and unskilled laborers were strikingly high when compared to other ancient and medieval societies.[13]

In sum, the voluntary presence of foreigners in the *polis* was of relatively greater value to the Athenian economy in the fourth century than in the fifth. In the course of the fourth century, some Athenian rules were changed in ways that appear very likely to have suited the preferences of foreigners—and especially foreign traders. In light of the striking growth of Athenian revenues in the later fourth century, there is every reason to suppose that more foreigners did in fact chose to do more business in Athens. This chapter suggests that these correlations are not mere happenstance: Athenian rule-makers were motivated by a recognition of the instrumental value of foreigners to Athens, and the new rules affected the behavior of foreigners by addressing their interests. That is to say: counterfactually, had Athenian rule-makers *not* recognized the value of foreigners, had they *not* understood their preferences, had Athens *not* changed the rules in question, then fewer foreigners would have chosen to do business in Athens and Athens would have been a poorer place. One important mechanism through which new rules persuaded foreign traders to choose Athens over other Aegean markets was lower transaction costs.

3. *Law and transaction costs*

A rule (say, a law) gains purchase on people's future behavior when it is codified as a potentially accessible item of public information. In classical Athens, diverse kinds of information were captured, through the act of codification, in a text—a written law (*nomos*) or decree (*psêphisma*). Especially in the fourth century, that text might be inscribed on a *stêlê* and publicly displayed. Sections 3–6 suggest that fourth-century Athens arguably did relatively well compared to rival *poleis* in attracting trade and traders in part because Athenian rules were changed to be clearer, more reliable, and (in certain cases) relatively more open to entry by foreigners, and relatively more fair in the sense of treating insiders and outsiders with less pronounced partiality. These changes were in line with

[13] Athenian fourth-century prosperity and its relationship to overseas trade: Burke 1985 and 1992. Public projects and welfare benefits: Ober 2008: 65–69, 254–258. High wages: Scheidel 2010.

the preferences of foreigners and thus motivated them to do business in Athens rather than elsewhere.

Codification promotes predictability, but it also risks ossification. The Athenian process for legal amendment, along with the legal and social contexts in which the codified rules were used, pushed back against the tendency to institutional ossification; the rules could be and were readily changed as conditions changed—e.g., when imperial sources of wealth dried up and the instrumental value of foreigners was increasingly appreciated by the citizenry.[14] There is, inevitably, a trade-off between stable rules and adaptation: highly stable institutions tend to ossify, whereas constant legal innovation lowers people's capacity to assess risks and to make rational plans for the future. Classical Greeks were well aware of the ossification / innovation dilemma: the contrast between innovative Athenians and conservative Spartans is the organizing principle of the speech of the Corinthians to the Spartans in Thucydides Book 1 (Th. 1.70.2–71).

The *reductio* of the intentional ossification of Greek law was the Locrian procedure described by Demosthenes (24.139–143). In Locris, according to Demosthenes' approbative account, he who wished to change the law must present his proposal with a noose around his neck; the unsuccessful would-be innovator was hung. Codified laws enabled individual residents of Athens (like Demosthenes' Locrians) to lay their plans for the future with some confidence. Yet Athenian procedures allowing for legal amendment encouraged Athenians (unlike Demosthenes' Locrians) to think about ways in which their individual and collective circumstances might be improved if the rules were changed, and to act, when serving as lawmakers, on those thoughts.[15] Fourth-century Athenian lawmakers appear to have sought, with some success, to balance reliability against adaptability: their success is reflected in Athens' increased prosperity.

The relative productivity of a society is, in large part, a function of how well that society captures the benefits of social cooperation.[16] By enacting rules that would persuade more foreigners to trade in Athens, the Athenians stood to capture more of those benefits. Voluntary exchanges of

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[14] Explosive growth in the number of preserved Athenian public inscriptions from the fifth to the fourth century: Hedrick 1999. Link of innovation to comparatively strong Athenian performance: Ober 2008, Chapter 2. Legal amendment: Schwartzberg 2007.

[15] Athenian lawmaking procedures: MacDowell 1978; Todd 1993. 'Rule of law' vs. interpretation in Athenian courts: Lanni 2006.

[16] Benkler 2006.

goods and services—that is, transactions regarded as beneficial by all parties to the exchange—are an important kind of productive cooperation, and self-evidently important to traders. Exchange is more productive (to individuals and in the aggregate) when the costs associated with transactions are lower. This means that one determinant of the effect a new policy will have on individuals and on social productivity is whether it serves to raise or to lower the costs of transactions—that is, the *ex ante* and *ex post* costs to individuals of making potentially profitable contracts or bargains.

Information is a central element in the transaction-cost / productivity equation: if both parties to an exchange share full and transparent access to all the information relevant to the exchange, their transaction costs drop accordingly. When transaction costs are lowered, productivity is raised (at least potentially) because the increased profit from low-cost bargains increases the value and the frequency of transactions. But under conditions of incomplete information—and especially of asymmetrical access to important information—transaction costs increase.[17]

The basic idea behind transaction-cost economics is quite simple: if the costs of doing business are low, more business will be done and, all other things being equal, this will benefit the society as a whole—it will raise the society's aggregate of goods by allowing society to reap more benefit from the socially cooperative activity of free exchange. Whether that larger basket of goods is distributed fairly, and what fairness in respect to distribution means to a given society, remain vitally important questions. But those questions concern distributive rather than procedural fairness. Here, the fairness I am concerned with is open access to institutions and procedural impartiality and their role in increasing aggregate goods—not fairness in respect to distribution of the goods thereby gained.[18]

I suggested above that fourth-century Athenians valued non-citizens instrumentally, because Athens was enriched when non-citizens brought business to Athens. All other things being equal, foreign traders were likely to prefer to do business where transaction costs were relatively lower. We can now refine the argument by suggesting that Athenian lawmakers recognized that non-citizens would choose to do business in

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[17] Transaction-cost economics: Coase 1988; Williamson 1981; Benkler 2006, 106–116. Application of transaction-cost principles to questions of state formation and international institutions: North 1981; Keohane 1984. Transaction costs and ancient law: Frier and Kehoe 2007.

[18] Justice as procedural fairness, and as fairness in respect to distribution in ancient Greek moral thought and law: Ober 2005b.

Athens if transaction costs were relatively lower there than elsewhere, and that the Athenians acted accordingly through changing some of the rules relevant to access to institutions and fairness in the sense of impartiality. If this is right, then Athenian material flourishing in the later fourth century may be explained in part by its success in lowering transaction costs. Of course, all of this assumes that Athenians had at least a rough and ready conception of what is now called transaction-cost economics (section 5).

How might changes in the rules affect the transaction costs incurred by the members of the extended Athenian community—understood as those persons doing business and making their living within Athenian territory? Transaction costs can be lowered through standardizing and publicizing rules and practices that in turn helped build and maintain a relatively reliable and secure exchange environment. We can test the idea that Athenians grasped the value of lowering transaction costs by, first, specifying how various instruments available to a participatory democracy *should* operate if the state's goal were optimizing (i.e. driving down and keeping down) transaction costs; and then asking how far Athens conformed to or diverged from that optimal position (see Table 1).

We should keep in mind, however, that in light of the various non-material ends sought by the democratic *polis*, low transaction costs must be thought of as what economists call a 'satisficing condition'—a condition that is necessary for the achievement of a general goal (e.g. *polis* flourishing), but one that is not subject to maximization because it must be somehow limited in order to allow for the presence of other necessary conditions.[19] Thus, we ought not to expect Athenian institutions (or those of any other state) to do everything that might be done to minimize the costs of transactions.

Among the instruments available to participatory democracies (as well as to more hierarchical organizations) are clear and accessible codes of formal rules (laws, customs, administrative protocols) designed to protect persons and their property; standardized and easy-to-use dispute-resolution procedures (mandatory or optional modes of binding or non-binding arbitration, courts of law); and dependable state-imposed sanctions for punishing delinquents. A second set of instruments includes established standards for weights and measures; standardized exchange media (government-issued and guaranteed currency, standard forms of

[19] Simon 1955.

contract); convenient facilities, such as centralized marketplaces, well-designed transport and communication networks; and effective policing. Finally, the state can keep transaction costs low by keeping down the rents it extracts on exchanges (directly or indirectly), or that it allows others to extract.

Table 1. State-determined conditions for low transaction-cost bargain-making

Instrument	Open access	Impartiality
1a. Formal rules (laws, decrees, customs).	Publicly posted or common knowledge, stable, archived, legible, simple, non-contradictory, comprehensive, relevant to current conditions.	Apply impartially to all parties; protect bodily integrity, property, dignity of all. *Bodily integrity and dignity of citizens favored*.
1b. Dispute procedures (litigation, arbitration).	Swift, reliable, easy to use, difficult to abuse, available to all. *Non-citizens without standing in some legal procedures*.	Treat similar cases and similar disputants similarly.
1c. Sanctions (punishments, limitations).	All delinquents are liable to punishments that are standardized, appropriate to the infraction, widely publicized.	Apply similarly to similar infractions. *Intentional murder of citizen punished more severely. Slaves liable to beating as additional or replacement penalty*.
2a. Exchange media (coinage, weights, measures, contracts, sureties).	Readily obtainable, comprehensive, stable, recognizable, reliable, standardized.	Impersonal, used by all. *Only citizens (with some exceptions) may own real estate*.
2b. Facilities (marketplaces, communications, transport, storage, security).	Centralized open-access markets, low-cost communication and transport systems, reliable and secure storage. Housing, religious apparatus readily available.	Available for use by all on similar terms.
3. Third-party rents (taxes, bribes, protection).	Taxes on exchanges low, simple, centralized, returned to productive system. Restraints on corruption, violence, rent-seeking, misuse of government apparatus.	Apply similarly to similar cases. *Most metics pay special taxes. Athenian settlements abroad and tax-farming favor citizens*.

Key: *Italics* = substantial and systematic Athenian deviations from optimal conditions (see Hansen 1999: 87–88, 97–99, 116–122).

Each of these various instruments must manifest two general properties if it is to work effectively to lower transaction costs: it must be *open* and it must be *impartial*. By open, I mean that that the instrument is accessible in respect to entry (as opposed to restricting entry according to extraneous criteria) and clear in respect to interpretation (as opposed, for example, to being interpretable only by insiders 'in the know'). By impartial, I mean that the instrument distributes goods and bads according to criteria that are even-handed (as opposed to criteria that are arbitrary or 'loaded' in favor of insiders) and impersonal in that it does not identify and pre-select particular categories of individuals for special treatment (good or bad) on the basis of extraneous criteria. These various optimizing criteria are laid out schematically in Table 1.

Table 1 is meant to specify the ways that government actions in respect to a market would render bargaining in that market as close to frictionless as possible—thus as close as possible to the ideal conditions of exchange imagined in what has become known as the Coase Theorem. As Ronald Coase himself emphatically pointed out, the ideal conditions of the Coase Theorem do not and could not exist in the real world—and thus, even with the best possible will, no government could *eliminate* transaction costs.[20] To exist and thereby facilitate the low transaction-cost regime, a government must have some way to maintain itself, which makes it very likely that it will need to levy taxes of some sort on at least some kinds of exchange (Table 1, row 3).

4. Dikai emporikai

A striking change in Athenian legal access and impartiality was introduced in the mid fourth century, with the establishment of new procedures for trying cases involving merchants. The 'maritime suits' (*dikai emporikai*) were distinguished by two new features: first, non-citizens, certainly including *metoikoi* (metics: resident foreigners) and *xenoi* (short-term visitors), and most probably including slaves, were offered the same legal standing in these commercial cases as citizens. All persons engaged in maritime trade in Athens (or at least all males) now had the right to initiate a case, to serve as witnesses, as well as to defend

[20] Coase 1988.

themselves against charges in their own name. Next, the ordinarily broad judicial discretion of the Athenian jury was limited by the requirement that charges be filed, and the case be decided, by reference to a written contract.[21]

The responsibility of the jury in a maritime case was to decide whether the terms of a specific contract had or had not been fulfilled. While this still entailed judging the veracity of narratives offered by the litigants, the interpretive scope of the jury was restricted. As a result, the decisions of juries in maritime cases were said to be 'carried out according to the rule' or 'by the book' (*akribeis*: Dem. 7.12, with Lanni 2006: 149 n. 4), rather than being made on the basis of jurors' all-things-considered judgment, which included the past behavior and estimated future social value of those engaged in the dispute. The motivation for the new procedure is not stated in the five extant speeches on which our knowledge of the legal innovation primarily rests. Yet it is widely, and surely correctly, assumed to be the state's desire to attract foreign traders to the Athenian market, by offering them free access to dispute resolution procedures on an equal footing with Athenians. Moreover, the provision that the new suits be judged 'monthly' (Dem. 33.23)—while obscure in precise meaning—was explicitly intended to guarantee swift legal action, thereby removing the incentive of locals to drag out proceedings to the disadvantage of temporary visitors.

Adriaan Lanni suggests that 'litigants in *dikai emporikai* appear to have focused their arguments on the terms of the contract, whereas speakers in non-maritime cases involving written contracts or wills include a more contextualized account, basing their claims on what they perceive to be the fair result as well as the proper contractual interpretation'.[22] The 'fairness' to which Lanni refers concerns just distribution of goods, with fair shares determined by the relative social worth of the parties, rather than the 'fairness as impartiality' I have emphasized here.

[21] Lanni 2006, 149–174 offers a concise description of the maritime cases, and cites a wealth of earlier scholarship. Cohen 1973 reopened interest in the maritime suits and remains the most detailed analysis, but Cohen's belief that maritime cases were tried by special juries of experts in commercial law rests on dubious evidential grounds and appears incorrect; see Todd 1993, 334–337. On the other hand the doubts raised by Todd 1994 regarding the access of non-citizens to courts trying maritime cases are unconvincing. Cohen 2005 offers a succinct survey of Athenian commercial law. See also Patterson 2000.

[22] Lanni 2006, 166.

Lanni rightly argues that the procedural innovations employed in maritime cases do not point to a revolution in standard Athenian legal doctrine. Continued attention to social context, and the relatively broad view of what counted as a relevant argument in non-maritime cases, are, she suggests, indicative of a sustained and fundamental Athenian commitment to legal procedures that gave the jury broad interpretive scope. As I have argued elsewhere, interpretive scope on the part of jurors was an important safeguard against elite capture of the democratic court system.[23]

The dikai emporikai ought not, however, to be regarded simply as anomalous, or as driven entirely by the particular needs of the mid fourth century. Rather, the two senses of fairness—as *procedural* justice (fair rules) and as *substantive* justice (fair distribution of goods and bads)—represent two facets of Athenian democratic values. The first, procedural, sense of fairness centers on the value of impartiality in respect to judgment—an aspect of equality in respect to opportunity. The second sense of fairness centers on getting the best, most equitable outcome. If, when they came into court, litigants had no way of guessing which value would be to the fore, the simultaneous presence of the two senses of fairness would have led to confusion, arbitrary judgments, and probably to widespread opting-out of the legal system.

During the crisis of the late fifth century, this dysfunctional devolution appeared to be well advanced. The mass condemnation of the Arginusai generals in 406 combined a novel and unfair procedure (mass trial) with an outcome that distributed bads (execution) inequitably. The Arginusai trial was a nadir for Athenian democratic law and led to Socrates' famous dissent (Pl. *Ap*. 29b) and the condemnatory narrative of Xenophon (Xen. *Hell.* 1.7). But the devolution was arrested before it led to a Corcyra-like tipping point (cf. Thuc. 3.82–84). In the codified legal environment of the fourth century, the Athenian legal system regained its legitimacy and therefore its salutary role in stabilizing the democratic social equilibrium and rebuilding the Athenian economy. With the inauguration of the maritime suits, two distinct dispute resolution domains were clearly distinguished, and potential disputants could therefore be reasonably clear about the values and rules that would apply in a given case.

[23] Ober 1989.

5. *Xenophon,* Revenues

We have no direct access to the intentions of the individuals who proposed or voted on the new *dikai emporikai*, but we do have a text that might bear on those intentions. Shortly before the new procedure for maritime suits was introduced, in the mid 350s BCE, the prolific and generically innovative Athenian writer Xenophon circulated a pamphlet on the subject of *Revenues*, in which he made a number of suggestions for increasing Athenian state income.[24] He recommended a mix of rent-seeking and access-expanding measures. His most retrograde suggestion was to have the Athenians acquire a large body of state-owned slaves who could be leased out to private parties, especially as laborers in the silver mines. The right analogy, Xenophon argued, was tax farming, but slave farming would be more lucrative, he claimed, because it is less liable to manipulation. The slaves could be controlled, even in time of war, he urged, by tattooing them as public property and establishing strategic garrisons in the mining district. The shadow of classical Sparta, where Xenophon had lived in exile, with its state-owned helot population, looms large in these passages.

On the other hand, whereas Sparta was famous for its periodic mass expulsions of foreigners,[25] Xenophon proposed institutional changes intended to make Athens more attractive to foreigners. The goal was economic growth: 'the rise in the number of residents and visitors would of course lead to a corresponding expansion of our imports and exports, of sales, opportunities for wages, and custom-taxes' (Xen. *Vect.* 3.5). The means Xenophon advocated was opening entry and assuring quick and fair dispute resolution procedures. He suggests offering prizes to state market officials who most justly and quickly resolved disputes, arguing that, as a result, a 'far larger number of merchants would trade with us and with much greater satisfaction' (Xen. *Vect.* 3.3). He furthermore suggested granting foreigners greater rights in respect to real-estate ownership (*enktêsis*, Xen. *Vect.* 3.5).

Xenophon also favored changes in the civic duties imposed upon metics. He proposed freeing metics from mandatory service in the hoplite ranks, but allowing them the honorable role of serving as voluntary cavalrymen. In this last measure, we can perceive Xenophon's adroit

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[24] This text is discussed in detail by Gauthier 1976; Doty 2003.
[25] Rebenich 1998.

manipulation of both positive and negative attitudes towards foreigners. If metics were relieved of mandatory infantry service, native (and a few naturalized) Athenian hoplites would regain a monopoly on this ideologically charged domain of civic life—the citizen monopoly meant that (mercenaries aside) sacred Athenian soil would be exclusively defended by the spears and shields of citizen soldiers. The reform of the *ephêbeia* in the mid 330s BCE points in a similar direction. Meanwhile, however, if Xenophon's new military service standards were adopted, the wealthy Athenians who served in the cavalry would have an enhanced opportunity to form closer relations with the better sort of metics (i.e. the ones whose zeal for cavalry service suited Xenophon's aristocratic tastes). Xenophon's plan might be seen as the military correlative to his contemporary Isocrates' aristocratic vision of a cosmopolitan elite among whose members 'Hellenic' would be a marker of cultural choice rather than ethnic heritage. Xenophon and Isocrates both offered plans for Athenian renewal that intermixed a backwards-looking traditionalism (associated with the values of the hoplite) with a forward-looking vision of a new world of increasingly open access—at least for elites.[26]

Xenophon points out that many of the changes he advocated required no new revenue streams—they were simply a matter of changing the rules: 'these [measures] need cost us nothing whatever beyond benevolent public decisions (*psêphismata*) and proper implementation (*epimeleiai*)' (Xen. *Vect.* 3.6). Other measures, including building new hostels for ship-owners and visitors, and improving the market facilities for merchants, would, Xenophon, acknowledged, require substantial capital inputs by the state. But Xenophon believed that it would be possible for Athens to borrow the necessary capital from private sources. The state could offer high rates of interest and, at least as important, loans would be guaranteed by the credibility of the state itself, 'which is to all appearances the safest and most durable of human institutions' (ὃ δοκεῖ τῶν ἀνθρωπίνων ἀσφαλέστατόν τε καὶ πολυχρονιώτατον εἶναι, Xen. *Vect.* 3.9). Although Xenophon does not say so explicitly, the established reputation of the restored democracy for repaying loans contracted by the Athenian government (favorably noted in reference to the post-Peloponnesian democratic restoration by [Arist.] *Ath. Pol.* 40.3) is the relevant background condition. Xenophon's assumption that the

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[26] On the ephebic reform and Isocrates' cosmopolitanism see Ober 2005a, 76–77, 84 (Isocrates), 153–156 (*ephêbeia*).

democracy could borrow its way out of a financial / military hole on the basis of its credible commitment to repay loans anticipates contemporary arguments for the political-economic roots of the 'democratic advantage'.[27]

It is not wildly fanciful to imagine a committee of the Athenian Council of 500 considering Xenophon's ideas, rejecting his plan for seeking rents by acquiring and farming public slaves, but fastening on the genuine value of offering greater legal access to non-Athenians engaged in trade. While it remains unknown whether this, or any of Xenophon's other proposals, were directly taken up by Athenian decision-makers, the similarity between certain of his recommendations in the *Revenues* and the reformed procedure for maritime suits is strong and suggests that at least some of Xenophon's notions were aligned with the political realities of the mid fourth century and with the motivations and intentions of fourth-century legislators.

6. *Other foreigner-preference-satisfying policy changes*

The *dikai emporikai* are not unique evidence for rule changes plausibly motivated by a changed Athenians valuation of non-citizens: in 375 / 374 a law was passed on the proposal of a certain Nikophon that specified procedures for certifying the silver coins to be used in the Athenian market. The procedures were, in the first instance, meant to protect the value of Athenian-minted owls, but the rules carefully protected the property rights of traders (citizen and non-citizen alike) who were in possession of good (i.e. near-pure silver, fair weight) *imitation* owls by specifying that such coins *not* be confiscated but 'handed back' to their owner. Moreover, citizens and non-citizens alike had the right to bring legal charges against traders who violated the law (by refusing to accept 'approved' owls). As in the somewhat later *dikai emporikai*, the intent of the legislation seems self-evidently to lower transaction costs for those trading in the Athenian market by increasing access to and reliability of legal procedures. The approval law also lowers transaction costs to traders by providing experts (two government-paid approvers of coins, one in the city agora and the other in Piraeus) who would quickly and reliably determine whether a given coin was an 'official' Athenian

27 Schultz and Weingast 2003.

state-issued owl, a 'good' imitation with silver content comparable to an Athenian state-minted owl, or a 'bad' imitation with low silver content—this last category of coin was taken out of circulation by the approvers. The approver system removed the information asymmetry between those who offered coins in exchange for goods (who might be expected to know whether their coins were good or not) and sellers of goods worried about being paid with bad imitations.[28]

The Athenians granted major honors to foreigners, including citizenship, more readily in the fourth century than they had in the past and these grants were much more than empty gestures.[29] As wealthy and generous foreigners gained access to the Athenian public economy of esteem, honor, and reciprocal gratitude, they also gained the valuable assurance of secure refuge in a powerful *polis* should things go wrong at home.[30] In some cases, Athens-resident communities of foreigners were granted *enktêsis*—public permission to acquire real estate—with the express purpose of establishing the religious cult practices of their homelands. In 333/332 BCE, for example, the Assembly granted a group of Athens-resident merchants from Citium on Cyprus *enktêsis* for a sanctuary dedicated to Aphrodite, 'just as also the Egyptians have built the sanctuary of Isis'.[31]

Access to property rights and to preferred forms of religious worship are conjoined in the relevant decrees, and the conjunction obviously would have lowered the psychic costs to worshippers of Citian Aphrodite and Egyptian Isis of long-term residence in Athens. While the decree does not say why the grant was given, it does mention that it was to a group of *merchants*. It seems likely on the face of it that the legislative intent was to make Athens more attractive to foreign (including non-Greek) traders.

There were many other attractions to trading in Athens, and at least some of these can be ascribed to the democratic state's self-conscious employment of the principles of open access and impartiality as incentives to merchants. Like other *poleis*, Athens protected retail traders and their customers by mandating standard weights and measures.[32] The state provided market officials of various sorts (*agoranomoi, sitophulakai,*

[28] Rhodes and Osborne 2003, 25, with discussion and bibliography in Ober 2008, Chapter 6.

[29] Henry 1983.

[30] Allen 2003a.

[31] Rhodes and Osborne 2003, 91, with Simms 1989 on dating and legislative intent.

[32] Lang and Crosby 1964; Figueira 1998, 296–315.

epimelêtai tou emporiou) as well as approvers of silver currency to enforce fair trade practices.[33]

The harbor facilities at Piraeus were improved in the course of the fourth century, and provided for storage of grain.[34] In 325 BCE, in an attempt to fight piracy more effectively, the Athenians mandated the foundation of a new naval station somewhere in the Adriatic. The interests of non-Athenian traders are prominently mentioned; among the explicit goals of the decree was that 'those Greeks and barbarians sailing the sea, and themselves sailing into the Athenians' naval station, will have their ships and all else secure, knowing that ...' (here the text is interrupted by a lacuna of several lines: the decree is Rhodes and Osborne 2003, 100, lines 165–271).

7. *Conclusions: evaluation*

Every real-world government falls short of fully satisfying the interests and preferences of foreigners. This shortfall is at least in part due to the fact that governments attempt to achieve a variety of ends in legislation. Lower transaction costs, a primary preference of traders, must be balanced against other goals of state policy. In modern governments, for example, the principle of openness, both in terms of entry and clarity, is compromised not only by security considerations but also by rules created by legislative enactment and by administrative protocols developed and administered by professional bureaucrats. These rules are intended to fulfill important public purposes; they are meant (*inter alia*) to protect consumers from fraud or safety risks. The net result of the complexity of modern rules, and the technical legal language in which they are cast, is to raise some transaction costs. Complex rules require (*inter alia*) that those making bargains employ legal specialists to design contracts and to defend the principals to exchanges against charges of having violated rules that are far from transparent to non-experts lacking the necessary technical training. This in turn bars entry to those who cannot afford to purchase the requisite legal expertise.[35]

[33] [Arist.] *Ath. Pol.* 51; Cohen 2005.

[34] See discussion in Stroud 1998.

[35] Huber and Shipan 2002 offer a comparative analysis of the choice of modern legislators to draft detailed legislation or to leave the details to administrative rules drafted by unelected civil servants—in either case the result is that the end users are subject to rules that require expert interpretation.

Athenian legislative processes produced government rules and other instruments that were comparatively accessible, simple, and clear—compared, that is, to modern legislation and, more relevantly, to the rules that we may guess (although it can be little more than that) pertained in rival *poleis*. Athenian laws and decrees, for example, were brief and composed in ordinary language, posted in public places, and available for consultation in standard forms.[36] Nor is there any reason to suppose that there were complex administrative protocols working in the background.

Athenian government instruments were, however, far from completely open and impartial. As noted on Table 1, various Athenian instruments discriminated, in one way or another, according to the status of the individual in question. Non-citizens continued to suffer various disabilities in respect to ownership of real estate, marriage to Athenians, and legal standing in non-commercial cases; long-term residents paid a head tax; naturalization (and thus the grant of political participation rights) remained relatively rare. Moreover, certain Athenian rules constrained the freedom of traders living in Athens to buy and sell just as they pleased: laws aimed at ensuring that there would always be an adequate supply of grain in the *polis* required Athens-resident traders to ship grain only to Athens' harbor and forbade loans on grain shipments that would not come to Athens. Although substantial amounts of grain certainly *were* legally re-exported, Athens probably limited the right to re-export grain once it had arrived in the Piraeus.[37]

The hypothesis of this chapter is that certain changes in Athenian rules were motivated by an increased recognition of the value of non-citizen others to the *polis* and that the new rules sought to create the low transaction-cost conditions preferred by foreign traders. If the preferences of traders were perfectly understood by Athenian lawmakers, and dispositive in respect to rule-making, the Athenians ought (*ex hypothesi*) to have gone much further in the direction of opening access, limiting partiality, and removing other impediments to achieving a low transaction-cost trading environment. But preferences of foreigners

[36] See, e.g., Thomas 1989, 60–93 and 2005; Hedrick 1999; Richardson 2000; Davies 2003.

[37] Limitations on metics: Whitehead 1977; disputed in some particulars by Cohen 2000. Restrictions on grain trade: Lanni 2006, 151–152; re-exports: Whitby 1998; Oliver 2007, Chapter 1.

were neither perfectly understood nor dispositive. Nor, perhaps, can they be in any democratic state, in which the sometimes selfish preferences of citizens are expressed (although, once again, never perfectly) in legislation.

In practice, Athenian rule-making was a compromise between creating foreigner-preference-satisfying openness and impartiality, and maintaining long-established legal distinctions between citizens and others. Those distinctions were built into the foundations of the *polis* as a citizen-centered community, and into the theory and practice of Athens' deliberative and participatory democracy. Because the hypothesis of this chapter predicts rule changes under changed valuing conditions, and because increased openness and reduced partiality are the most relevant changes in Athenian institutions in the post-imperial fourth century BCE, it is the open-access / impartiality side of the equation (rather than the residual advantages for citizens) that has been the primary focus of this chapter. I have argued that those changes were motivated by a recognition of the instrumental value of foreigners to public and private Athenian interests and that their effectiveness in persuading foreigners to do business in Athens contributed to Athenian prosperity in the fourth century. But we must remember that, even without attending (as we must) to slavery and to women's unequal standing, the cup of Athenian attention to the preferences of non-citizens was never more than very partially filled.

Where does all of this leave us in terms of an evaluative moral judgment of legal changes made over time in classical Athens? Kantian deontologists must regard the turn towards openness and impartiality in some Athenian rules as morally irrelevant, in that these reforms were wrongly motivated—by valuing others as instruments to desired ends, rather than as inherently valuable ends-in-themselves. Deontologists would be able to point to the unabated morally repugnant practice of slavery at Athens as the logical end-point of instrumentalizing others. Consequentialists would also need to take into account the great disutilites experienced by Athenian slaves, as well as by women, and by foreigners (in light of the limited scope of the reforms).

Yet, if we stipulate for the sake of the argument that the bads suffered by women and slaves were constant over time, then, at the margin, there surely was growth in the aggregate store of goods—whether measured in the currency of utility or preference satisfaction. Recent studies of social psychology have shown that procedural fairness matters a lot to people in the modern world; 'justice as procedural fairness' is recognized

by some modern moral philosophers as being of independent value.[38] If we assume that procedural fairness in the senses of open access and impartiality was independently valued (i.e. regarded as a good in itself, as well as a means to other good ends) in the ancient Greek world, it would appear that some Athenian residents benefited from the fourth-century institutional changes in ways that included, but also exceeded, material advantage.

Meanwhile, as a result of the rule changes, the aggregate of material goods available for distribution in Athens undoubtedly increased over the course of the fourth century. This increase was obviously not distributed in ways that would satisfy egalitarians, but recent work on real wages in antiquity suggests that the growth was not concentrated in the hands of a tiny elite.[39] And so, based on the stipulation that the bad conditions of slaves and women did not worsen, consequentialists might conclude that in the course of the fourth century Athens became, in limited but salient ways, a better place. Whether the stipulation that conditions for slaves and women did not worsen in the course of the fourth century is true in fact, and whether eudaimonists (ancient or modern) ought to agree with the deontologists' decidedly negative assessment or the consequentialists' guardedly positive assessment, remain as important questions for future research.

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[38] Social psychology of proceduralism: Tyler, Kramer, and John 1998. For an excellent philosophical defense of the independent value of proceduralism, with special reference to democratic authority and legitimacy, see Estlund 2008.

[39] Scheidel 2010.

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CHAPTER EIGHT

VISIBILITY AND SOCIAL EVALUATION IN ATHENIAN LITIGATION

Evelyn van 't Wout

'Valuing others' is part of the core business of everyday social interaction: an almost omnipresent phenomenon that shapes interpersonal relationships and, through them, the structure of a society as a whole. It is hardly surprising that such a phenomenon will often give rise to discontent. In this chapter, I will discuss how some individuals in ancient Athens responded to a perception of being 'undervalued' by others, and how, in particular, they attempted to engineer a public evaluation of their status in order to (re)gain the position in society to which they felt entitled. For my description of this behavioral strategy, I introduce a term for a situation that came to function as a defining moment in the formation of one's social identity:[1] I call these 'situations of critical reference'.

In what follows, I will first explain my use of the phrase 'situation of critical reference' (section 1), and then illustrate it with an example from Athenian tragedy (Electra's plea to Chrysothemis in Sophocles' *Electra*, section 2). In the main part of my chapter, I argue that the aim of construing a situation of critical reference can be discerned in litigative interaction, and that it will be useful to distinguish this aim from the strictly legal aspects of a case. To this end I discuss the conflict between Mantitheus and his half-brother Boeotus as documented in Demosthenes 39 and [Demosthenes] 40 (sections 3–4). This approach to Athenian legal practice, which recognizes that legal interaction is partly, and sometimes primarily, concerned with the (re)definition of social identities, can be fruitfully extended to other legal cases and provides some groundwork for a description of ἀτιμία in the legal sphere (section 5).

[1] For the concept of 'social identity' cf. Jenkins 2004, 4–6 (general definition) and 15–23 (social identity as interaction between individual and collective experience).

1. *Situations of critical reference*

The term 'situation of critical reference' is my own adaptation of a term coined by the anthropologist Michael Gilsenan.[2] Gilsenan uses the phrase 'situations of ultimate reference' to designate the decisive moment in a process of irreversible social degradation of an individual within a feuding community.[3] Gilsenan's terminology was originally developed with reference to a village in North Lebanon where he worked until the late 1960's; it found its way into classical studies through David Cohen's description of Athenian legal trials, not as sites for conflict resolution, but as 'challenges' in which the litigants negotiate their 'claims of honor, status and prestige' before the δῆμος.[4] Gilsenan regards what is at stake in his 'situations of ultimate reference' basically in terms of the transaction of 'honor' or 'status'; similarly, Cohen claims that Athenian litigants 'sought *timê* (honor) in the *agôn* of litigation, and the verdict of the jury served as a public measure of the relative *timê* of the opposing litigants'.[5]

It has been rightly objected that the general model of an 'agonistic' society in which Cohen situates his description of legal discourse does not fit classical Athens;[6] moreover, a model based on monolithically defined 'values' like *honor* and *shame* is in itself problematic.[7] But while we may want to avoid the notions of 'feuding behavior' and 'status honor ethic', the ways in which social actors handle issues of interpersonal evaluation remains relevant to our study of Greek culture; especially, perhaps, to our study of interaction in the legal sphere.

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[2] Gilsenan 1976.

[3] I.e., situations 'within which and in the light of which men transact their socially significant selves' (Gilsenan 1976, 200), specified further on as 'infringements of family sexual honour [and] attacks on individual honour such as serious insults or armed confrontation, or the murder of a relative' (*ibid*. 216 n. 23).

[4] Cohen 1995, 94; cf., on the general applicability of Gilsenan's work to Athenian legal practice, *ibid*. 86. For the general tenor of Cohen's description, see e.g. *ibid*. 194: 'Litigation at Athens was shaped by its participatory nature, which enmeshed it in the web of social practices. In an agonistic society conflict is … a central function of social life; [and] litigation should be seen not as separate and removed from the realm of conflict, but rather as *part* of the process of conflict itself: litigants often use the court to pursue conflict, not to terminate it.'

[5] Cohen 1995, 112 (partly citing Cartledge 1990, 55).

[6] See Gabriel Herman's review of Cohen 1995 (Herman 1998) and, more concisely, Herman 2006, 199–201.

[7] Against their applicability to Athenian culture see Herman 2006, 164–167. More generally, Herzfeld 1980 and De Pina Cabral 1989 have criticized the applicability of these values in comparative anthropology; see also Harris 2005, 26–29.

On my understanding, value terms like τιμή and their cognates serve to indicate the domains in which a specific act of evaluation is to take effect. A litigant who complains that a certain construal of the facts leaves him ἄτιμος is not complaining that he 'does not get enough τιμή'—as if τιμή were a quantifiable commodity: rather, he is asking for public recognition of a mismatch between the way the community behaves towards him and the way it should behave towards him. To describe how such bids for social recognition are posited and handled, I change the *ultimate* in Gilsenan's term, which expresses the irreversibility of a moment of status degradation, to *critical*, which introduces an element of (shared) subjectivity. If a situation is perceived and accepted as a 'critical' moment of reference to the authority of public opinion, it may affect the way in which an individual is regarded and circumscribe the social roles s/he will be able to fulfill.

With the change in terminology from 'situations of ultimate reference' to 'situations of critical reference', the range of events that can be so designated increases sharply. All social interaction, insofar as it may be thought of as significant at the level of the community, may be regarded as a situation of critical reference; that is, as threatening, or promising, to produce social fact. Different types of situations will of course (re)define social identities in various degrees, ranging from routine reproduction of existing social structures to drastic changes. For instance, for citizens of classical Athens, participation in public religious activities can be construed as a situation of critical reference. As an important way to reproduce a person's status as citizen and the existing social structures of which s/he partakes, it can be a precondition for fulfilling one's citizenship in other contexts.[8]

On the other end of the scale, the term 'situations of critical reference' lends itself equally well to describing situations in which some drastic change takes place, such as a conviction in court on the charge of desertion (λιποταξία) or draft-dodging (ἀστρατεία), in consequence of which an Athenian would no longer be able to fulfill any of the key social roles associated with citizenship (such as participate in public religious activities, speak in the Assembly, or bring a lawsuit).[9]

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[8] For religious participation as a central component in classical-period Athenian citizenship see e.g. Connor 1988; Sourvinou-Inwood 1990, 310–321; Blok 2004, 21–25.

[9] While unconvicted draft-dodgers were prohibited from speaking in the Assembly and could be prosecuted through a δοκιμασία ῥητόρων procedure if they violated this rule (Aeschin. 1.28–32), convicted ἀστράτευτοι suffered what is traditionally known

What I retain from Gilsenan's conceptual framework is the insight that a situation of critical reference involves a decisive move from the invisible to the visible.[10] With regard to the threat of status degradation, Gilsenan observes that people may attempt to uphold their social identity by 'making claims in the public domain about [their] acts and biography';[11] and that in doing so, they tend to cast (or stage) these claims in terms of visibility, so as to provide the community with a hard, non-negotiable ground on which to base their evaluation.[12] In other circumstances also, social actors may attempt to contribute to the production of something like a communal consensus on how to perceive and evaluate their social history, by combining in public an emphasis on visibility and the use of value terms. Nevertheless, as we will see, there is usually still room for divergent interpretations and negotiation: the effect of closure that may result from a situation of critical reference is provisional.

2. *Sophocles'* Electra*: looking forward to a happy end*

In order to illustrate the key characteristics of a situation of critical reference, I shall turn to Sophocles' tragedy *Electra*, generally dated to the final quarter of the fifth century BCE. *Electra* has been read in a variety of ways, from an 'ominously un-resolved' story, to a straightforward

as 'full', as opposed to 'partial', ἀτιμία (Aeschin. 1.134; Dem. 19.257, 284): see Christ 2004, 41–42. That this condition did not—*pace* Hansen 1976, 61–62—constitute a strictly defined legal status is suggested by Dem. 21.58–60, where two ἀστράτευτοι are said to have participated in choral productions in spite of their convictions. On the restrictions imposed on the behavior of unconvicted offenders see Wallace 1998; on Athenian attitudes towards draft-dodging and desertion cf. Christ 2006, 120–123.

[10] Gilsenan 1976, 200: 'The successful maintenance or degradation of self takes place as a process of definition over time … [This process] becomes defined as socially visible at the terminal point of crisis, when room for maneuver and redefinition has vanished and persons can no longer agree on procedures for defining what has happened, or keep it socially invisible.'

[11] Gilsenan, *ibid.*

[12] Sensitivity to public visibility is a key aspect of the traditional construction of ancient Mediterranean societies as 'shame cultures'. Although this paradigm is no longer current in classical studies (see e.g. Lloyd-Jones 1987), the pervasive emphasis on visibility in contexts of explicit social evaluation remains remarkable and goes otherwise unexplained. I suggest that we should understand this phenomenon as part of a culturally specific pattern of interaction to negotiate communal value judgments in the face of multiperspectivity, in which constant reference to a 'hard', non-negotiable basis for communal perception is felt to be necessary.

tale of justified revenge;[13] and this general problem of interpretation is reflected in the play's third episode, in which Electra attempts to win her sister Chrysothemis' support for killing their father's murderer Aegisthus. In this episode (Soph. *El.* 871–1057), Sophocles omits any reference to the killing of Clytaemestra (alluded to at Soph. *El.* 603–605); consequently, less attention is given to the problematic nature of the avenging of Agamemnon's death than in Aeschylus' and Euripides' versions.[14]

Related to this difference between Sophocles' *Electra* and the other surviving Electra tragedies is Sophocles' focus on the heroine's status as a stepdaughter in Argos' new royal household.[15] When the Chorus asks Electra, in the *parodos*, why she has not come to terms with the death of Agamemnon after all these years, she replies that she 'melts away without parents, without a φίλος ἀνήρ to offer protection, like some unvalued stranger-resident'.[16] With Agamemnon dead and buried, Orestes exiled or dead (as Electra believes) and Clytaemestra allied with Aegisthus, Electra is left without someone to protect her or arrange a suitable marriage.[17] She has no illusions about Aegisthus' willingness to find a husband for her or for Chrysothemis;[18] only the death of their stepfather can clear the way for the two sisters to reclaim their proper social position as children born in a royal family. After explaining their predicament to Chrysothemis (Soph. *El.* 947–966), Electra

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13 'Ominously *un*-resolved': Wright 2005, 172 (Wright's emphasis), in a survey of the play's polarized reception. Cf. also Finglass 2007, 8–9.

14 See Sorum 1982, 210 and MacLeod 2001, 141–142 for an overview of the various responses to this problem.

15 In this respect, I agree with e.g. March 2001 on *El.* 955–957, who—advocating a 'light' reading of the play—argues that Electra's focus is exclusively on Aegisthus, simply because she regards Aegisthus as her main enemy.

16 Soph. *El.* 187–189: ἅτις ἄνευ τοκέων κατατάκομαι, | ἇς φίλος οὔτις ἀνὴρ ὑπερίσταται, | ἀλλ' ἁπερεί τις ἔποικος ἀναξία. For a defense of the MSS reading τοκέων 'parents' against Meineke's τεκέων 'children' (accepted by most recent editors) see Finkelberg 2003.

17 Cf. Kaibel 1896, 100: 'Sie vermisst die Liebe der Mutter und noch mehr den Schutz des Vaters … Sie hat ja, da Orest nicht mitzählt, in der Tat gar keinen κύριος ausser Aigisth, und der ist gerade der, gegen den ihr κύριος sie schützen müsste.' Electra herself does not, of course, think in terms of the classical-period institution of κυριεία; but nonetheless, that institution has a prominent place in the frame of reference against which the play's audience interpreted the dramatic action: cf. Finkelberg 2003, 373–376. On the role of the κύριος cf. Hunter 1994, 13–19.

18 Soph. *El.* 264–266: οὐ γὰρ ὧδ' ἄβουλός ἐστ' ἀνήρ | Αἴγισθος ὥστε σόν ποτ' ἢ κἀμὸν γένος | βλαστεῖν ἐᾶσαι ('The man Aegisthus is not so witless as to allow you or me to produce offspring').

attempts to elicit her sister’s support for her plan to kill Aegisthus with the following speech (lines 966–985):

> But if you follow my advice, first you will be the bearer of εὐσέβεια on account of our dead father below and of our brother; moreover, in accordance with your birth, you will henceforth be called free and shall find a worthy marriage: for everyone likes to look upon a happy outcome. Don’t you see, what a fair reputation you will win for yourself and for me by listening to me? For what citizen or stranger, on seeing us, will not greet us with praising words such as these: ‘See the two sisters, comrades (φίλοι), who have saved their father’s house, who, when their enemies were doing well, risked their lives to deal with them in revenge for the murder—those two everyone must care for (φιλεῖν), everyone must respect (σέβειν): everyone must honor (τιμᾶν) them at festivals, and whenever the community (πόλις) gathers, for their manliness. Such things everyone will say of us, so that in life and in death our renown shall not fail. (my tr.)

ἀλλ’ ἢν ἐπίσπῃ τοῖς ἐμοῖς βουλεύμασιν,
πρῶτον μὲν εὐσέβειαν ἐκ πατρὸς κάτω
θανόντος οἴσει τοῦ κασιγνήτου θ’ ἅμα·
ἔπειτα δ’, ὥσπερ ἐξέφυς, ἐλευθέρα
καλῇ τὸ λοιπὸν καὶ γάμων ἐπαξίων
τεύξει· φιλεῖ γὰρ πρὸς τὰ χρηστὰ πᾶς ὁρᾶν.
λόγων γε μὴν εὔκλειαν οὐχ ὁρᾷς ὅσην
σαυτῇ τε κἀμοὶ προσβαλεῖς πεισθεῖσ’ ἐμοί;
τίς γάρ ποτ’ ἀστῶν ἢ ξένων ἡμᾶς ἰδὼν
τοιοῖσδ’ ἐπαίνοις οὐχὶ δεξιώσεται·
‘ἴδεσθε τώδε τὼ κασιγνήτω, φίλοι,
ὣ τὸν πατρῷον οἶκον ἐξεσωσάτην,
ὣ τοῖσιν ἐχθροῖς εὖ βεβηκόσιν ποτὲ
ψυχῆς ἀφειδήσαντε προὐστήτην φόνου·
τούτω φιλεῖν χρή, τώδε χρὴ πάντας σέβειν·
τώδ’ ἔν θ’ ἑορταῖς ἔν τε πανδήμῳ πόλει
τιμᾶν ἅπαντας οὕνεκ’ ἀνδρείας χρεών.’
τοιαῦτά τοι νὼ πᾶς τις ἐξερεῖ βροτῶν,
ζώσαιν θανούσαιν θ’ ὥστε μὴ ’κλιπεῖν κλέος.

Electra here takes matters a step further than in the part of her speech that precedes this passage. At first, she motivated the necessity of immediate action by claiming that Aegisthus abused his position as his stepdaughters’ guardian:[19] removing him, she implies, will clear the way for

[19] Esp. Soph. *El.* 959–962: ᾗ πάρεστι μὲν στένειν | πλούτου πατρῴου κτῆσιν ἐστερημένῃ, | πάρεστι δ’ ἀλγεῖν ἐς τοσόνδε τοῦ χρόνου | ἄλεκτρα γηράσκουσαν ἀνυμέναιά τε (‘By all means keep on moaning while being deprived of your inherited property, feel bad all the time while you grow old without sex, without marriage’).

the women to take matters into their own hands.[20] In the passage quoted, on the other hand, Electra presents the killing of Aegisthus itself as the way to secure a worthy marriage. By fulfilling an obligation towards their dead father and brother, she and her sister will embody εὐσέβεια[21] and re-establish their status as 'free' women (ἐλευθέρα | καλῇ, Soph. *El.* 970–971). The killing will be 'talked about' (λόγων … εὔκλειαν, Soph. *El.* 973), and seeing the two sisters (ἰδών, Soph. *El.* 975), men will recount their noble deed and recognize their legitimate claim to social inclusion—'those two everyone must φιλεῖν, σέβειν, and τιμᾶν on public occasions'. Their renown (κλέος, Soph. *El.* 985) shall be universal and everlasting.

The killing of Aegisthus, first introduced as a pragmatic plan to remove the obstacle that stands in the way of the sisters' marriage prospects, in this passage evolves into a projected situation of critical reference *tout court*. Electra posits an immediate and necessary relationship between the highly visible, public act of murdering a tyrant on the one hand,[22] and a specific type of positive evaluation on the other. The catalogue of value terms in lines 981–983 indicates the complementary domains in which the redefinition of the sisters' social identity is to take shape: people should treat them as participants in positive reciprocal relationships (φιλεῖν), as a positive factor in the religious equilibrium of the community (σέβειν), and as individuals whose potential in contributing to and participating in the social fabric of the larger community should be publicly recognized and stimulated (τιμᾶν). Electra couples these evaluative terms to the event of the sisters' being seen (ἴδεσθε, Soph. *El.* 977) and the recall of their family's history (Soph. *El.* 978–980), in such a way that they follow spontaneously, without taking into account the subjectivity involved in such an act of evaluation. Significantly, not the act of murdering Aegisthus itself, but the publicizing of this event, is the focus of the imagined re-establishment of her social position. It is only when she

[20] For the relative freedom enjoyed by unattached women in classical Athens cf. Hunter 1994, 29–33.

[21] Soph. *El.* 968, cited above. Cf. MacLeod 2001, 142: '[Electra's] claim that they will win praise for their piety … embraces not simply a form of familial piety, but involves care for the dead and their claim to justice, principles basic to the foundation of any community … [Aegisthus'] continued prosperity is an affront to the gods, the community, the family and the dead, and thus his overthrow is necessary to restore *eusebeia* to the *polis*.'

[22] The reception imagined by Electra is the kind of reception traditionally reserved for tyrannicides like Harmodius and Aristogeiton: cf. Juffras 1991; Finglass 2007 on *El.* 973–985.

and her sister are in the public eye ('at festivals and whenever the πόλις gathers') that the longed-for closure in the negotiation of their social identity will be achieved.

Electra recommends her vision of a future in which she and Chrysothemis shall regain their rightful status and find suitable husbands by invoking, as the scholiast notes, a proverb: 'Everyone likes to look upon τὰ χρηστά' (φιλεῖ γὰρ πρὸς τὰ χρηστὰ πᾶς ὁρᾶν, Soph. *El.* 972). τὰ χρηστά is here commonly translated as 'noble deeds' *vel sim.*, and taken to refer to the killing of Aegisthus: Chrysothemis should expect to find a worthy marriage partner, because (γάρ) killing Aegisthus is a noble deed, and other people will appreciate it as such.[23] This reading is somewhat unsatisfactory, because it glosses over the fact that Electra skips a crucial point in her argumentation: how would appreciation of their deed be translated into improved chance of a worthy marriage?[24] Electra's failure to take this point into account is a poignant aspect of her plea; a half-hearted attempt to patch it up would be out of character.

The phrase is rhetorically more effective if τὰ χρηστά picks up the immediately preceding claim about what the sisters' future will look like (Soph. *El.* 970–971), generalizing the particular ways in which Chrysothemis' social worth will be realized (she 'will be called free and shall find a worthy marriage' = τὰ χρηστά). Chrysothemis would then be the envisaged agent of the action of ὁρᾶν just as in the following line (ὁρᾷς, Soph. *El.* 973), and we may translate: 'for everyone likes to look upon a happy outcome'—a proverb that anticipates Chrysothemis' moral qualms about doing something that is directly in her own interest.[25] The subjective experience of closure anticipated here by Electra pictures the

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[23] So, e.g., Kells 1973 and Kamerbeek 1974 on *El.* 972; Lloyd-Jones 1994 and March 2001 in their translations.

[24] For a slightly different interpretation see Jebb 1894 on *El.* 972, who notes 'τὰ χρηστά = τὰς χρηστάς', and translates: 'for noble natures draw the gaze of all' (similarly Finglass 2007 on *El.* 972: 'generalising use of the neuter to denote persons'). This reading aligns the meaning of the γνώμη with the action of looking at the sisters described in lines 975 and 977.

[25] τὰ χρηστά in this context conveys a similar notion of positive closure as in Aesch. *Pers.* 228 ἐκτελοῖτο δὴ τὰ χρηστά—(Atossa:) 'I hope all will turn out well'. For τὰ χρηστά of positive things that may befall one in the future cf. also Eur. *Hipp.* 471–472 (Nurse to Phaedra:) ἀλλ' εἰ τὰ πλείω χρηστὰ τῶν κακῶν ἔχεις, | ἄνθρωπος οὖσα κάρτα γ' εὖ πράξειας ἄν ('if your good fortune exceeds your bad luck, then being human you would seem to be doing quite well')—where τὰ χρηστά can hardly be taken to mean 'noble deeds'—and perhaps Eur. *Med.* 601–602 (Jason to Medea:) τὰ χρηστὰ μή σοι λυπρὰ φαίνεσθαι ποτέ, | μηδ' εὐτυχοῦσα δυστυχὴς εἶναι δοκεῖν ('do not ever let good fortune seem harmful, and don't think you are unfortunate when you are fortunate').

effect of killing Aegisthus as something like a fairy-tale ending to their predicament, which will culminate in the definitive assertion of her and her sister's proper social worth through a suitable marriage.[26] The rest of the passage can be read as an argumentative specification explaining how this definitive change of fortune will occur.

But would the killing of Aegisthus really have commended the two sisters in the eyes of prospective marriage candidates? Or is this mere wishful thinking on Electra's part? Within Sophocles' play itself, the possibility is kept open that Electra's plan, had it been implemented, might not have had the effect that she envisaged;[27] and proponents of a 'dark' reading of the drama readily point out the 'self-destructive', 'ineffective' nature of the initiative,[28] and the inappropriateness of Electra's striving after κλέος.[29] The reading of line 972 put forward above ('everyone likes to see a happy outcome') also invites a meta-poetic reading that may be relevant to this discussion: over and above the significance they hold for Electra and her sister, these words also put in front of the audience the question of whether they require the desired happy end of the play to satisfy certain (moral) conditions. Would they be content to see Electra take matters into her own hands?

Electra's third episode provides us with an insightful depiction of Electra engineering an occasion for the public evaluation of her social identity. She can trigger the construction of a situation of critical reference by committing a murder, which will have to be taken notice of by the wider community, and is bound to affect the way people regard her; but she

[26] Cf. the opening of Electra's speech (Soph. *El.* 947): ἄκουε δή νυν ᾗ βεβούλευμαι τελεῖν—'Hear, then, how I am resolved to make an end'. τελεῖν is the reading of a minority of the MSS, rightly preferred to ποεῖν 'act' by Lloyd-Jones and Wilson 1991: the absence of a direct object to go with the verb is striking, but effective.

[27] The Chorus responds with unqualified approval: 'No good person would choose to live miserably and so trade a good reputation for a nameless existence; so you too preferred a life of decent mourning, and by preparing an apt cure, you shall at one stroke gain renown as a clever *and* good daughter' (Soph. *El.* 1082–1089: translated after the text of Lloyd-Jones and Wilson 1991). This positive reaction, however, must be weighed against Chrysothemis' marked lack of enthusiasm: 'Before she spoke, if she happened to be sound of mind, she would have chosen to be prudent (ἐσῴζετ' ἂν τὴν εὐλαβείαν)—which she has not' (Soph. *El.* 992–994).

[28] 'Self-destructive': Woodard 1964, 188; 'ineffective': Kitzinger 1991, 320–321, who argues that the plan is obviated from the outset by Electra's half-conscious acknowledgement that the sisters might die in the process of executing it.

[29] E.g. Schein 1982, 76–77. For the 'contradiction in the female role' apparent in Electra's actions cf. e.g. Woodard 1964, 163–170; Sorum 1982, 210. See Wheeler 2003, 378–383 for an extreme statement of the view that throughout the play, Electra acts under a delusion.

cannot control its outcome. Sophocles in this passage effectively dramatizes the fact that situations of critical reference are not simple and predictable narrative constructions controlled by the people who construe them, but a product of social collaboration in which multiperspectivity plays a central role.

3. *See you in court: soliciting social evaluation in the legal sphere*

In section 2, I have argued that in the course of Electra's attempt to mobilize Chrysothemis, her proposal to get rid of Aegisthus transforms into an idealized scenario for a situation of critical reference intended to publicly re-establish her and her sister's claim to a worthy marriage. Prominent characteristics of this scenario are the emphasis on social visibility, and a strong (and perhaps unrealistic) expectation of closure.

The Athenian lawcourts provide an ideal forum in which such a scenario can take effect. Athenian litigation is conducted before a mass audience who are addressed by the litigants with reference to their representative function as Athenian citizens, and whose verdict is regarded as authoritative. While presenting their legal case to these δικασταί, litigants often seem to operate on the expectation that they may achieve something over and above the simple verdict: they appear to use the opportunity of the trial to construe situations of critical reference, at times allowing attention to issues of social evaluation to take precedence over legal argument in the composition of their speeches.

Of course, soliciting a legally defined verdict and soliciting the kind of closure envisaged in a situation of critical reference may overlap extensively. A good example of such a case is Euxitheus' appeal against his rejection from the deme of Halimous (Dem. 57): most of Euxitheus' speech is taken up by an elaborate review of witness statements and testimonials to the citizen status of his parents, designed to bolster the speaker's claim to a rightful place in the deme of his choice by compiling a collection of social facts that together constitute a legitimate social identity.[30] Here, the overlap between the social and legal aspects of the case is virtually complete: it deals with the speaker's status as an Athenian citizen, which is treated simultaneously as a legal status and a social identity. Accordingly, Euxitheus' attempt to construe a situation of criti-

[30] See on this speech Humphreys 1986, 59–62; Scafuro 1994, 165–168.

cal reference can be described as a function of his legal argument, or vice versa. However, as the case with which I shall proceed will show, it can be useful to distinguish between a trial *qua* process working towards a legally defined verdict on the one hand, and a trial *qua* situation of critical reference on the other.

Around the middle of the fourth century, one Mantitheus son of Mantias, from the deme Thorikos, prosecuted his half-brother, who was also named Mantitheus, but preferentially known by the speaker as Boeotus, on what is conventionally called a δίκη βλάβης.[31] We have Mantitheus' prosecution speech against Boeotus (Dem. 39), as well as a second prosecution speech by the same speaker from a follow-up trial that must have taken place shortly afterwards ([Dem.] 40).[32] In the first case, the speaker's chief complaint is that Boeotus insists on using the name Mantitheus; he claims that this is bound to become a source of confusion and possibly even damage to himself. Behind this complaint lies a complicated family history, the full details of which are beyond recovery. From the speaker's accounts, we can arrive at the following approximate reconstruction.[33]

After the death of Mantitheus' mother, her widower Mantias adopted Boeotus and his younger brother Pamphilus, who were his sons from a relationship with a woman named Plangon. This relationship had begun before Mantias married Mantitheus' mother, and was resumed after her death; it remains unclear whether Boeotus' birth took place before or after the birth of Mantitheus.[34] Mantias had at first refrained from registering Boeotus with his phratry, but proceeded to acknowledge

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[31] On the so-called 'δίκη βλάβης' see e.g. Lipsius 1905–1915, 652; Bonner and Smith 1927, 108. The main indications that Mantitheus' suit may have been filed as such are text-internal but indirect, e.g. Dem. 39.13, ἀλλὰ ταῦτα μὲν ἡ πόλις βλάπτεται· ἐγὼ δ' ἰδίαι τι (sc. βλάπτομαι) and Dem. 39.18, cited below n. 43. Carey and Reid 1985, 166 note that the present case is atypical in that the βλάβη concerns 'only inconvenience', not financial loss, as seems to have been the norm; yet insofar as the term δίκη βλάβης represents a legal reality at all, it will probably have been a sufficiently capacious notion to fit the issue at hand (cf. Humphreys 1989, 184 n. 11).

[32] According to Carey and Reid 1985, 160 the first trial probably took place in late 348, the second before the end of 347; but Humphreys 1989, 184 allows for a rather longer span of time. The authorship of Dem. 40 is generally regarded as being uncertain, but this has no bearing on the present discussion.

[33] As regards these facts, there is a broad consensus between Rudhardt 1962, 46–64, Davies 1971, 364–368, Carey and Reid 1985, 60–67, and Humphreys 1989, 182–185; see also Hunter 1994, 63–64, Cox 1998, 86–87.

[34] The alleged weakness of Mantitheus' claim to seniority has induced most of the commentators cited above (n. 33) to assume by default that Boeotus was the elder son.

him after Mantitheus' mother had died; in consequence of this action, Boeotus felt himself entitled to use the name of his paternal grandfather, a right associated with an eldest son.

It is likely that one important aim of Mantitheus' first prosecution was to seek financial compensation from Boeotus; but in his speech, Mantitheus presents himself as primarily concerned to claim a monopoly on the social identity that should rightly be his, and not his half-brother's.[35] To pursue this aim, Mantitheus does not just submit factual proof of the inconvenience that he suffered at his half-brother's hands, but also presents himself and the relevant points of his family history, in an attempt to establish his identity as the only real Mantitheus in town.

Mantitheus' own right to be called by his grandfather's name has apparently never been challenged,[36] and he in turn refrains from challenging the fact that Mantias accepted Boeotus into their family.[37] The question whether Boeotus can claim the right to call himself Mantitheus thus in a sense hinges on the half-brothers' respective age: if Boeotus is the elder of the two, then he may with some reason expect to have a claim to the name of his grandfather. But it is not easy to prove their respective age one way or the other: birth records were not kept, and the fact that Mantias had refrained from timely entering his sons by Plangon in his phratry would have made it hard to retrospectively establish a relative chronology.[38] All Mantitheus can do is attempt to make the invisible visible by conveying his own perception to the δικασταί (Dem. 39.27):

> For I know him, when he was not yet a relative of mine, seeing him as I would see anyone else, as younger, and much younger, as far as one can tell by sight / appearance. Still, I will not insist upon this, for that would be naive.

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[35] Looking back upon the episode, Mantitheus later claims that he was forced to sue his brother 'because of the name, not so that I would exact money from him, but so that he … should henceforth be known as Boeotus' (Dem. 40.35), cf. Carey and Reid 1985, 166.

[36] At 39.20, the speaker invokes witnesses to the fact that Mantias named him Mantitheus on the δεκάτῃ; as the continuation reveals, he does this not because this fact was challenged, but to contest Boeotus' right to call himself Mantitheus.

[37] The manner in which Boeotus was adopted is another matter: going by the speaker's account, Mantias never *meant* to acknowledge his children, but was tricked into doing so by their mother (Dem. 39.3–4, cf. [Dem.] 40.2, 10). This account is generally accepted by modern scholars; see, apart from the literature cited above (n. 33) Todd 1990, 35–36.

[38] Cf. Dem. 39.29: ἐγὼ μὲν γὰρ ἐμοὶ πλείον', οὗτος δ' ἑαυτῷ φήσει ('for I will say that I am the elder, and he will say that he himself is').

> ἐγὼ γὰρ οἶδα τοῦτον, ὅτ᾽ οὔπω συγγενὴς ἦν ἐμοί, ὁρῶν ὥσπερ ἂν ἄλλον τιν᾽ οὑτωσὶ, νεώτερον ὄντ᾽ ἐμοῦ καὶ συχνῷ, ὅσ᾽ ἐξ ὄψεως. οὐ μὴν ἰσχυρίζομαι τούτῳ, καὶ γὰρ εὔηθες.

In spite of the speaker's diffidence, this crucial piece of 'evidence' fits seamlessly into the tissue of his performance, in which visible facts and the notion of a visible reality that is beyond negotiation play a crucial role.[39] Because his observation predates his interest in the claim, Mantitheus says, at the time he saw the defendant as he would have seen anyone else.

He supports this claim with a subtle use of terms for and related to visual perception. In particular, as the perfect οἶδα is picked up by the participle ὁρῶν, its etymological link with ἰδεῖν comes to mind: together, these verbs present the link between visibility and knowledge as immediate and independent of subjective evaluation. And again, in the phrase ἐξ ὄψεως, through the use of the term ὄψις the speaker elides the interpretive activity that bridges objective visibility and subjective perception: ἐξ ὄψεως might be translated equally as 'on the basis of sight' or 'on the basis of appearance'.[40] Thus he tries to impose on the δικασταί the impression that Boeotus' objective appearance and the way he was seen by Mantitheus were essentially the same. He does not at this point suggest that they may see for themselves what the fact of the matter is; instead, they have to rely on his verbal performance as a truthful representation of reality. His diffidence on this point perhaps implies that *if only* he could show them, instead of having to rely on argument, they would see the truth of the matter.[41]

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[39] The speaker time and again uses terms like 'seeing' and 'showing' to denote the effect of his argumentation: 'I will show you (δείξω) that I need to prosecute'; 'you must see (θεάσασθε, σκοπεῖσθε, ὁρᾶτε)' that it is really a problem that Boeotus goes under the name Mantitheus at present; 'you must see (θεωρήσατε)' that the concern for confusion is realistic; 'you must see (ὁρᾶτε)' what happened, and what a lot of trouble it meant. This strategy is a common *topos* of forensic discourse, the underlying rationale of which is to tap into the force of visible reality as a non-negotiable basis to arrive at a shared perception of reality.

[40] Cf. LSJ s.v. ὄψις. The expression ἐξ ὄψεως does not seem to occur elsewhere in Greek oratory; if the speaker had wanted simply to say 'going by his looks', he could have used the preposition ἀπό, cf. e.g. Lys. 16.19 ἀπ᾽ ὄψεως 'by the look of him', Antiphanes fr. 33.4 Kassel-Austin ἀπὸ τῆς ὀψέως 'judging from his looks'.

[41] The situation is different for Aeschines, who, when prosecuting the public figure Timarchus, has to take into account the δικασταί's direct visual experience of the respective ages of Timarchus and Misgolas: Aeschin. 1.49.

Earlier in his speech, Mantitheus explains why the situation as it is, with both himself and Boeotus going under the name Mantitheus, is untenable (Dem. 39.6):

> I am not so stupid and senseless a man that I would agree, as I have, to share a third of my inheritance, which I was going to have entirely ... and be content with that, but prosecute about the name, if our substitution did not involve great ἀτιμία and ἀνανδρία, and if for him to have the same name was not on many accounts impossible for us.
>
> ἐγὼ γὰρ οὐχ οὕτω δήπου σκαιός εἰμ' ἄνθρωπος οὐδ' ἀλόγιστος, ὥστε τῶν μὲν πατρῴων, ἃ πάντ' ἐμὰ ἐγίγνετο ... συγκεχωρηκέναι τὸ τρίτον νείμασθαι μέρος καὶ στέργειν ἐπὶ τούτῳ, περὶ δ' ὀνόματος ζυγομαχεῖν, εἰ μὴ τὸ μὲν ἡμᾶς μεταθέσθαι μεγάλην ἀτιμίαν ἔφερε καὶ ἀνανδρίαν, τὸ δὲ τοῦτον ἔχειν ταὐτ' ὄνομ' ἡμῖν διὰ πόλλ' ἀδύνατον ἦν.
>
> Text: τοῦτον ἔχειν ταὐτ' ὄνομ' ἡμῖν Blass: ταὐτὸν ἔχ. τοῦτον ἡμῖν ὄν. vel ταὐτὸν ἡμῖν ὄν. ἔχ. τοῦτον MSS: fortasse τοῦτον delendum est—cf. n. 44 infra.

On the one hand, Mantitheus declares his willingness to settle the material consequences of his father's adoption of Boeotus and Pamphilus: he says that he has no problem with sharing Mantias' estate with his newly acquired kin.[42] On the other hand, he raises the matter of Boeotus' usurpation of his grandfather's name to a high level of generality, beyond the consideration of his immediate personal loss or gain.[43] The possibility of 'substitution' of the two half-brothers for each other is presented as a matter of concern for both the speaker and Boeotus,[44] and two resonant

[42] In fact, it seems, Mantitheus' half-brothers had to prosecute in order for him to comply with their request: cf. Dem. 40.2, 48–49.

[43] This move is anticipated, by means of a *topos* common in forensic discourse, at Dem. 39.5: τοῦτο δ' ὅσα βλάπτει ποιῶν πρῶτος μὲν ἐμέ, εἶτα δὲ καὶ ὑμᾶς ('I will demonstrate to you that by doing this he wronged not just me, but you as well').

[44] I take τὸ μὲν ἡμᾶς μεταθέσθαι in 39.6 to mean 'our substitution' or 'confusion', not—as most commentators assume—'my changing (*sc.* my name)'. The verb can bear either interpretation (LSJ s.v. II.3), but the context strongly favors the former: nobody is expecting Mantitheus to change his name (when the speaker says that it would be unfair for him 'to be robbed of his name' [39.20, ἐμὲ δ' ἀφαιρεθῆναι τοὔνομα], he clearly means the monopoly on his name, not his name itself). Moreover, it would be odd for the speaker to use ἡμᾶς = 'me' following so closely upon the emphatic ἐγώ and ἐμέ earlier in the same sentence: ἡμᾶς = 'we' in the sentence immediately preceding the one cited above, as well as in the immediately subsequent sentence (39.7). For the same reason I accept Blass' conjectural restoration of the word order in the final clause of the passage cited above (rejected by e.g. Carey and Reid, 1985; Dilts, 2005): on the two divergent MS readings, ἡμῖν would refer to the speaker ('... for him to have the same name *as we*'). Perhaps we should delete τοῦτον, and translate 'and if not our bearing the same name was for many reasons impossible'. This is precisely how the speaker phrases the

value terms address the wider socio-political relevance of the case. Confusing two Athenian citizens entails ἀτιμία (in this passage commonly translated as 'dishonor') and ἀνανδρία, terms indicating that what is at stake in this conflict is the public recognition of the brothers' social identity their capacity to fulfill their role as 'men' in the full sense of the word.[45]

The two problems indicated here set the program for the next twelve paragraphs by delineating a domain of facts that is relevant to the speaker's argument, as Mantitheus proceeds to supply examples of the disruptions that might occur should the present situation be allowed to linger on. If 'Mantitheus son of Mantias of Thorikos' is selected to perform a liturgy, or summoned to act as a juror, there is no way of knowing which of the two men is meant; and if Boeotus would become a debtor to the state, it would be Mantitheus' name that would be inscribed, so that if he should die as a state debtor, his debt, and the ἀτιμία incumbent on that debt, might be conferred on his children.[46] Mantitheus tries to imprint on the minds of the δικασταί that the consequences of the two brothers 'sharing all their lives Boeotus' reputation and ἔργα' are momentous:[47] it is not merely a disaster for him personally, but even compromises the functioning of the Athenian democracy. A public redefinition of their status *vis à vis* one another is called for.

Thus, several characteristics of Dem. 39 (known as 'περὶ τοῦ ὀνόματος') can be read in the light of the speaker's attempt to construe a situation of critical reference in which his social identity is submitted to public scrutiny and judgment. Rather than merely listing the respects in which he is actually harmed by his half-brother, the speaker appeals to the δικασταί to put an end to a situation that is socially insupportable, soliciting a decisive evaluation of the identity of the people involved. Distinguishing

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problem at 39.20 (μηδ' ὅλως ἀδύνατος ἔχειν ταὐτὸν ὄνομα ἡμῖν συνέβαινεν) and 39.36 (ἀξιῶν μὴ ταὐτὸν ὄνομ' ἔχειν ἡμᾶς). τοῦτον may have been introduced to complement the rhetorical structure one would expect when misreading ἡμᾶς in the preceding clause as referring to the speaker alone.

[45] For the well-established concept of 'civic' ἀνδρεία see e.g. Roisman 2003, 129–131 and 136–141.

[46] For another case of 'hereditary' ἀτιμία in consequence of a debt to the state cf. below, n. 58.

[47] Dem. 39.18: ἆρα γε μικρὰν ἡγεῖσθε βλάβην, ὦ ἄνδρες Ἀθηναῖοι, ἐν κοινωνίᾳ τὸν ἅπαντα βίον τῆς τούτου δόξης καὶ τῶν ἔργων εἶναι; ('or do you regard it as a slight damage, Athenians, to have in common during our whole lives his reputation and deeds?').

this aspect of the case from its narrowly defined legal aspects helps to see the continuity with the follow-up trial documented by [Dem.] 40, which will be discussed in the following section.

4. *Beyond the happy end*

The suit περὶ τοῦ ὀνόματος is just one episode in a prolonged series of judicial altercations. To begin with, Mantias' acknowledgement of his sons by Plangon had been enforced in court (above, n. 37); then, after Mantias' death, Boeotus and Pamphilus sued Mantitheus for their rightful part of their father's estate (above, n. 42); furthermore, there is evidence for a case involving Boeotus' 'expulsion from his deme', possibly instigated by Mantitheus;[48] Boeotus allegedly sued Mantitheus for an assault ([Dem.] 40.32);[49] and finally, we have [Dem.] 40 itself, a speech for the prosecution concerning the dowry of Mantitheus' mother, which was apparently subsumed into Mantias' estate.[50] In some of these cases, the financial aspects of the conflict are foregrounded, and in others the social aspects; it is fair to assume that in either type of case, both are really at stake. Dem. 39, discussed above, is remarkable because the speaker's avowed aim is to create social fact: Mantitheus emphasizes this aspect of the trial and concentrates his argumentation on it. But the fact that this trial is part of a larger conflict that revolves equally around financial questions should remind us that in other, less well documented, conflicts also, a financial claim will often be tied up with an attempt to create social fact.

To some extent, Mantitheus' avowed purpose to secure his and his half-brother's distinct social identities was served by the trial περὶ τοῦ ὀνόματος regardless of its outcome: simply because it published the conflict to a wider audience, the speaker could be assured that people

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48 Isaeus is credited with a speech πρὸς Βοιωτὸν ἐκ δημοτῶν ἔφεσις (fr. 6), taken by Davies 1971, 365 to have been 'an appeal by Mantitheus against the acceptance of his half-brother under the name Mantitheus after Mantias' death', though Carey and Reid 1985, 161 object against this interpretation on procedural grounds, and it may be that Mantitheus was not directly involved.

49 This may have been the occasion for Hyperides' speech κατὰ Μαντιθέου αἰκείας, 'Against Mantitheus for assault' (fr. 120–124); but it is not certain that this speech had anything to do with either of our two Mantithei.

50 At [Dem.] 40.16–17, Mantitheus lists several earlier attempts to settle the matter of the dowry through arbitration. All in all, the conflict seems to have evolved over a period of eleven years (40.3, 18).

would henceforth know that two men claimed to be Mantitheus, son of Mantias. After this trial, there could be no real danger in any confusion between the two men in legal, political, or financial matters. But in the specific matter of securing the monopoly to his name, the speaker failed: the jury evidently found against him and Boeotus was henceforth entitled to use the name Mantitheus son of Mantias. An inscription from the late 340s BCE, post-dating our trial, records the settlement of a debt of Mantias' by 'Pamphilus of Thorikos, Mantitheus of Thorikos, and Mantitheus of Thorikos',[51] which shows that the negative verdict in the case περὶ τοῦ ὀνόματος hardened into social fact. Accordingly, the speaker of [Dem.] 40 has to withdraw his previous insistence that civilized life cannot proceed with two Mantithei in abeyance. Perhaps to our surprise, the speaker now conveys the message that it is entirely irrelevant how Boeotus is called ([Dem.] 40.20):

> this Boeotus, or Mantitheus, or whatever else he likes to be addressed with
>
> τουτονὶ Βοιωτὸν ἢ Μαντίθεον ἢ ὅ τι ποτ' ἄλλο χαίρει προσαγορευόμενος.

This drastic change of position shows that the question whether or not a situation of critical reference has occurred remains open to debate even after a careful attempt to construe an event as such—in this case by the same person. Boeotus probably experienced his victory as a moment at which his social identity was publicly recognized, unambiguously and definitively; but Mantitheus is free to interpret his own failure as insignificant, rather than as an authoritative judgment that Boeotus' claim to be the eldest son of Mantias is legitimate. Both interpretations are perfectly compatible with reality, and one would be hard put to choose which one is 'right': although the *verdict* in the earlier case is clear enough, the degree in which it is based on the judges' shared perception of either brother's social identity and their shared social history is hard to measure. Because the objective *datum* of the verdict rests on a heterogeneous collection of subjective value judgments, the speaker may hope for a different outcome if he should formulate a slightly different charge.

So the conflict drags on, with Mantitheus bringing Mantitheus / Boeotus to court to claim the right to extract his mother's dowry from the estate of Mantias ([Dem.] 40). Mantitheus' financial claim provides a fresh opportunity to re-examine their shared family history, making it subject to negotiation once more. In the preceding trial, the nature of

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[51] *IG* II[2] 1622.435–444; cf. Carey and Reid 1985, 167.

Mantias’ alliances with the two half-brothers’ mothers was left largely undiscussed. In [Dem.] 40, however, Mantitheus has to take due account of Boeotus’ claim that the liaison between Mantias and the mother of Mantitheus was not a proper marriage at all, and that, consequently, there *is* no dowry to be extracted from Mantias’ estate.[52] Mantitheus adduces witnesses to prove otherwise, and also produces an ingenious argument from probability ([Dem.] 40.26):

> And besides, just consider why my father, if my mother had not been his wedded wife and had brought no dowry, while the mother of these men did bring one, why he should have said that they were not his sons, and have acknowledged me, and brought me up? Because, by Zeus! as they will say, he favored me and for the sake of my mother failed to treat them as they were entitled to expect (ἠτίμαζεν)? But my mother left me a little boy when her life ended, and their mother Plangon, having a pretty face, consorted with him before as well as afterwards: so it is far more likely that he, for the sake of the living woman, whom he fancied, would disown (ἀτιμάζειν) the son of she who had died, than that for my sake and for that of the deceased woman he would not make those of the living one, whom he associated with, his children.
>
> χωρὶς δὲ τούτων ἐνθυμήθητε, διὰ τί ἄν ποτε ὁ πατήρ, εἴπερ ἡ μὲν ἐμὴ μήτηρ μὴ ἦν ἐγγυητὴ μηδὲ ἠνέγκατο προῖκα, ἡ δὲ τούτων ἠνέγκατο, τοὺς μὲν οὐκ ἔφη αὑτοῦ υἱεῖς εἶναι, ἐμὲ δὲ καὶ ἐποιεῖτο καὶ ἐπαίδευεν; ὅτι νὴ Δία, ὡς οὗτοι φήσουσιν, ἐμοὶ χαριζόμενος καὶ τῇ ἐμῇ μητρὶ τούτους ἠτίμαζεν; ἀλλ’ ἐκείνη μὲν ἔτι παῖδα μικρὸν ἐμὲ καταλιποῦσα αὐτὴ τὸν βίον ἐτελεύτησεν, ἡ δὲ τούτων μήτηρ Πλαγγὼν καὶ πρότερον καὶ μετὰ ταῦτα εὐπρεπὴς τὴν ὄψιν οὖσα ἐπλησίαζεν αὐτῷ· ὥστε πολὺ μᾶλλον εἰκὸς ἦν αὐτὸν διὰ τὴν ζῶσαν γυναῖκα, ἧς ἐρῶν ἐτύγχανε, τὸν τῆς τεθνεώσης υἱὸν ἀτιμάζειν, ἢ δι’ ἐμὴ καὶ τὴν τετελευτηκυῖαν τοὺς ἐκ τῆς ζώσης καὶ πλησιαζούσης αὐτῷ παῖδας μὴ ποιεῖσθαι.

This can be paraphrased as: ‘In Boeotus’ version of our family history, my father would have had more reason to deny *my* legitimacy than his.’ The use of ἀτιμάζειν in this passage should alert us to a parallel with Mantitheus’ concerns in the preceding case. There, the terms ἀτιμία and ἀνανδρία were used to characterize as insupportable the situation that the one brother might be confused with or substituted for the other. The speaker’s use of the verb ἀτιμάζειν here reveals that [Dem.] 40 is also

[52] [Dem.] 40.20: τὴν μὲν αὑτοῦ μητέρα ἐπενεγκαμένην προῖκα πλεῖν ἢ ἑκατὸν μνᾶς, τὴν δ’ ἐμὴν ἄπροικον φάσκων συνοικῆσαι (‘he will try to show that his own mother brought a dowry of more than a hundred *mnai*, while mine—he will say—went to cohabit with my father without a dowry’). Apart from the counter-arguments adduced by Mantitheus in the subsequent paragraphs, likelihood is against the truth of Boeotus’ claim: see Carey and Reid 1985, 161–162.

about more than just the rightful assignation of a sum of money. As in Dem. 39, the social identity of the contestants is at stake: Mantitheus' claim on his mother's dowry implies that he was the eldest son of his father's (only) lawfully wedded wife. The speaker now takes the position that the way Mantias treated his sons is ultimately the most reliable standard of their social status within his family. It is only natural, so he argues, that Mantias did right by his lawfully wedded wife and their son Mantitheus, and that he would not want to acknowledge the children of Plangon. Boeotus' version of family history necessitates the concession that his father *wronged* him; and why would a father harm the social identity of his son?

In this argument from probability, Mantitheus locates the control over his and Boeotus' social identity with his deceased father, rather than with the jury: the question of the two half-brothers' priority has been definitively settled long ago, and should be considered *hors question*. Although the claim to his mother's dowry is a further bid for the δικασταί to acknowledge his privileged relationship with his father, the speaker does not emphasize this aspect of the trial, as he did in Dem. 39; his avowed aim is now to retrieve a sum of money.

In an Athenian trial, two litigants reduce their disagreements to a yes-or-no issue and submit this before a jury to be decided upon by voting; the victory of one of the contestants, be he the prosecutor or the defendant, entails the defeat of the other.[53] However, even under these conditions, a trial can involve larger concerns than a verdict on a narrowly defined legal issue. By submitting his interests to a jury, a litigant may solicit an act of communal evaluation, not merely of the justice of his claims, but also of his rightful place in society. The use of strong value terms like ἀτιμία / ἀτιμάζεσθαι / ἀτιμάζειν is indicative of this aspect of forensic practice. But the verdict in any legal case is binding only in the narrow sense in which the charge defines it as binding, not in the interpretation of social history implied by it. The essential open-endedness of situations of critical reference explains why conflicts such as the one between Mantitheus and Boeotus, which involve widely divergent interpretations of either contestant's social history, may drag on and on over many years, with the opponents bringing each other to court on various charges.

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[53] For this picture of Athenian legal process cf. e.g. Cartledge 1990; Todd 1993, 161–162; Cohen 1995 (as cited above, n. 3); Christ 1998, 35–37.

5. *Between verdict and judgment*

Reading legal trials as occasions that lend themselves readily to construing situations of critical reference may help us to understand some of the tactics employed by speakers that do not straightforwardly serve the aim of proving or disproving the stated charge. It has often been observed that Athenian litigants tend to range widely beyond what we, from a modern perspective, would consider legally relevant; accordingly, David Cohen claims that 'litigants ... manipulate the expectations of the community to focus upon the reputation and general conduct of the parties rather than upon the legal issues technically germane to the matter at hand'.[54] Responding directly to Cohen, P.J. Rhodes has recently claimed, on the other hand, that 'if we grant that the point includes its wider context, Athenian litigants were much better than we have allowed at keeping to the point'.[55] My suggestion to read Athenian trials not in the light of 'agonistic' or 'feuding behavior' (as Cohen does), nor exclusively from a more or less strictly defined 'judiciary' point of view (as Rhodes does), but also in terms of opportunities to construe situations of critical reference—and thus as an extreme form of everyday social evaluation—might result in a less polarized interpretation of classical-period legal practice, in which attention to specific legal issues and their role in larger social processes is integrated.

Such a reading could, for example, be applied to cases where the narrowly defined legal issues fail to explain some of the litigants' basic choices, such as the prosecution by Apollodorus son of Pasion of one Neaira for offending against a law that forbade the marriage (συνοικεῖν) or pretense of marriage between an Athenian citizen and a woman of non-citizen status ([Dem.] 59).[56] The prosecutor is known to have been engaged in numerous litigations;[57] and on two such occasions, he himself was prosecuted by Stephanus, the present defendant's alleged husband: once, the first speaker of [Dem.] 59 claims, he was charged an exorbitant fine 'so that he and his family would be ἄτιμος and destitute';[58] the second

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54 Cohen 1995, 92–93.

55 Rhodes 2004, 156.

56 The trial took place between 343 and 340—see Carey 1992, 3; Kapparis 1999, 28. On the so-called 'γραφὴ ξενίας' see Kapparis 1999, 198–206 with references.

57 A convenient overview of Apollodorus' career as a litigant can be found in Bonner 1927, ch. 7. His public career is discussed in full detail by Trevett 1992.

58 [Dem.] 59.6: 'when the δικασταί were voting on the penalty assessment, though we applied for a settlement he refused and proposed a penalty of 15 talents, so that

time, he was charged with manslaughter, so that he would be exiled from Athens.[59] Stephanus now appears in court for the defense, technically as the legal representative of Neaira,[60] but he himself stands to lose a considerable amount of money should his alleged wife be convicted, and to lose his wife as well.[61] It seems clear, then, that whatever the stated objective of Apollodorus' suit, it should be read in the light of his and Stephanus' reciprocal efforts to obliterate each other from the social record; and Carey's claim that 'Neaira is only the intermediate, not the real target' seems at least partly justified.[62]

But if the real target is Stephanus, then why does Apollodorus not attack Stephanus directly? Apollodorus devotes a major part of his speech, first to put on display Neaira's past career as a prostitute in Corinth ([Dem.] 59.17–48), and then to enumerate the couple's various attempts to pass their daughter off as the child of two Athenian citizens ([Dem.] 59.49–87). The avowed aim of this 'evidence' is to prove that Neaira offended against the marriage law, because she, a foreigner, lived in marriage or quasi-marriage with an Athenian. But marrying his daughter a first time on the false pretense that she is of citizen status ([Dem.] 59.49–61) and then a second time on the same pretense to the acting ἄρχων βασιλεύς ([Dem.] 59.82–87) constitute crimes for which Stephanus could incur punishment: the law cited at [Dem.] 59.52 specifies that 'a

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[Apollodorus] would be ruined (ἀτιμώσειεν) himself and his children, and so that … all of us would be reduced to absolute destitution (ἀπορία) and poverty'. Carey 1992, 88 assumes that ἀτιμώσειεν refers to 'disfranchisement', assuming with e.g. Hansen 1976, 71–72 that ἀτιμία 'loss of citizen rights', was a legally defined and hereditary penalty incumbent upon state debtors; but as he himself observes, fining Apollodorus would not make his children ἄτιμοι in this sense unless Apollodorus died. Rather than assuming that the speaker unduly 'aggrandize[s] the potential damage', therefore, it seems preferable to give ἀτιμώσειεν a less specific sense, 'inflict social damage'. On the social implications of Apollodorus' conviction cf. Patterson 1994, 204.

[59] [Dem.] 59.9: καὶ γὰρ οὐ μόνον ταύτῃ ἐζήτησεν ἀνελεῖν ἡμᾶς, ἀλλὰ καὶ ἐκ τῆς πατρίδος αὐτὸν ἐβουλήθη ἐκβαλεῖν ('For he not only tried to wipe us out in this way, he also sought to exile him from his homeland').

[60] Whether as Neaira's κύριος or as her προστατής—her 'citizen patron': cf. e.g. Whitehead 1977, 90–91—is uncertain: see Carey 1992, 23.

[61] The relevant law is cited at [Dem.] 59.16.

[62] Carey 1992, 5; the first speaker seems to say as much in his opening paragraph ([Dem.] 59.1): 'We have been grievously wronged (ἠδικήμεθα) by Stephanus … so that I shall bring this case not as an aggressor but in retaliation (τιμωρούμενος).' Still, as Kapparis 1999, 30–31 points out, several years seem to have gone by since the events mentioned by the speaker took place, which makes it unlikely that these events actually formed the catalyst for the present suit.

man who marries an alien woman to an Athenian man, representing her as his own (ὡς ἑαυτῷ προσήκουσαν), must become ἄτιμος and lose his possessions to the δῆμος'.

And yet, rather than prosecuting Stephanus directly on these charges, Apollodorus chose to incorporate them tangentially in his prosecution of Neaira. Carey and Kapparis explain this choice by pointing out that the speaker's case may have been weaker than he makes it out to be: while he should have been able to invoke witnesses to the daughter's marriages or to her illegal performance of religious rites, he contents himself with merely producing statements by her two husbands themselves.[63] Apollodorus' strategy makes good sense, on the other hand, on the assumption that his primary aim is to construe the present occasion as a situation of critical reference for Stephanus' household.[64] As the speaker claims, Stephanus had previously been charged under the law cited above by his daughter's first husband, but managed effectively to avoid extensive damage to his social identity by negotiating a settlement out of court. Rather than renew this husband's abortive initiative to make Stephanus ἄτιμος on a legal charge, Apollodorus chooses a line of attack that allows him to expose Stephanus' family history on as broad a canvas as possible and secure the most damaging social value judgments against him and his οἶκος, with the intent to seriously harm its capacity to function socially.[65]

The potential consequences of either strategy may be less widely divergent than is commonly assumed. We are accustomed to think that ἀτιμία as a legal condition must be clearly defined (*disfranchisement*) and distinct from a social condition (*dishonor*). However, this distinction is not reflected in the orators' use of the term ἀτιμία and cognates. As we have seen, Mantitheus complains that the possible confusion between him and his brother entails ἀτιμία, which in that context, closely coupled with ἀνανδρία, is clearly a negative value judgment; but this complaint is picked up further on by the hypothetical consequence that Mantitheus' son might incur legal ἀτιμία if Boeotus' debt were accidentally to be

[63] On the inconclusive evidence against Phano's citizen status cf. Carey 1992, 11 and Kapparis 1999, 34–39.

[64] Cf. Patterson 1994, 201–203 on the implications of the present trial for Stephanus 'as the head of an *oikos*'.

[65] In this respect, the most revealing passage in the speech is [Dem.] 59.110–111, where the speaker hypothetically envisages the δικασταί coming home and informing their female relatives that they have acquitted the defendant: all 'decent' (σωφρονέσταται) women in Athens will be outraged that their menfolk allowed Neaira to exercise her citizenship on an equal footing with them (ὁμοίως αὑταῖς … μετέχειν τῶν τῆς πόλεως καὶ τῶν ἱερῶν). Cf. Patterson 1994, 210–211.

conferred on him. Even if it is relevant to our description of the issues at hand that in the latter passage Mantitheus suggests the possibility that his son might suffer legal and financial consequences from the obtaining situation, we should recognize that these issues are presented as a manifestation of a social problem.

Distinguishing between 'legal verdicts' and 'legal penalties' on the one hand and 'social value judgments in a legal context' on the other helps us to see how closely related these were in Athenian legal practice, both functionally and conceptually. It is possible to nuance the distinction by introducing the notion of situations of critical reference, which, unlike the label 'legal verdict', can serve to take into account continuities between the verdict as a legal verdict and as a social value judgment; while a legal verdict may produce social facts in either capacity, the latter remains more open to interpretation. The continuities between the two, I suggest, are central to the functioning of ἀτιμία as a legal instrument, and attention to them may help to solve some of the long-standing interpretative difficulties in connection with this penalty.[66]

6. *Conclusion*

In this chapter, I have discussed several features of what I have called situations of critical reference. These situations are construed by individuals, in collaboration with the community, in an attempt to achieve an effect of closure—not in the sense of resolving a disagreement, but in the sense of producing validated social fact. Ideally, this validation is to take place on the basis of visible reality, unmediated through words and therefore non-negotiable. What Athenians could see in public, normative contexts such as litigative interaction, religious festivals, weddings, funerals, the inscription of honorary decrees, or active participation in the Assembly, is to this purpose treated as a direct reflection of consensus reality: the visibility of such events and their participants is thought to correspond unproblematically to how they should be viewed. But especially in conflict situations, verbal construction and negotiation may become

[66] Macdowell 1978, 74–75 remarks on the deficiency of the available descriptions of ἀτιμία; Hansen 1976, 60–61 already recognizes the necessity to take the social aspects of legal ἀτιμία into account. For some problems, cf. e.g. n. 9 and n. 58 above. I argue elsewhere that ἀτιμία-terminology entered the legal sphere not as a legally defined penalty, but as a verbal strategy to construe authority for communal agreements, akin to the oral procedure of self-imprecation (van 't Wout, forthcoming).

instrumental in shaping a communal perception of this visible world. I have used the concept of situation of critical reference to explain several features of Athenian legal discourse: the use of value terms, like ἀτιμία and cognates, to define the domain of a conflict, the emphasis on making the invisible visible before the eyes of the δικασταί, and some of the strategic choices of litigants, such as the recounting of private or family history beyond what the legal issue at hand might be thought to require. Moreover, I have tried to show that, due to the persistence of multiperspectivity, the closure that can be attained by creating a situation of critical reference can at best be provisional: social evaluation is an ongoing process, the results of which are subject to continuous renegotiation.[67]

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CHAPTER NINE

HELPING AND COMMUNITY IN THE ATHENIAN LAWCOURTS

Matthew R. Christ

1. *Introduction*

By most modern accounts, Athenians enjoyed a high degree of social cohesion and solidarity under the democracy.[1] Scholars have explored how social and political institutions, civic rituals, and public discourse encouraged Athenians to view themselves as members of a unified community with common interests and shared values and ideals. This chapter will examine an intriguing, but neglected, facet of Athenian reflection on the ties that bind citizens to one another, namely, the representation of helping behavior as a community ideal in the popular lawcourts.[2] I will argue that litigants invoke and exploit ideals of helping not only in their narratives of what transpired between themselves and their opponents out of court, but also in representing the courts themselves as venues in which Athenians can collectively help individuals in their legal distress. Of particular interest is the way litigants appeal for help (βοήθεια) from jurors in the form of a favorable verdict. Close study of these frequent and varied appeals reveals how litigants invoke and disseminate a vision of the Athenian community as one founded on mutual support and assistance, and some of the tensions behind this idealization. Appreciation of this facet of forensic discourse can lead us to a deeper understanding both of the Athenian courts and of the Athenian community, real and imagined.

[1] Translations are adapted from those found in the Loeb Classical Library (Adams 1919; Burtt 1954; Lamb 1930; Murray 1936 and 1939), Gagarin and MacDowell 1998, and MacDowell 1990, 2004. Lists of supporting passages from the orators do not distinguish between authentic and putatively inauthentic speeches.

[2] Although this chapter focuses on the forensic oratory of the popular lawcourts (*dikastêria*), it includes some material from orations presented before the court of the Areopagus (Antipho 1; Lys. 3, 4, 7) and the Council sitting as court (Lys. 24, 31).

I will first explore how litigants construct courts as venues for community helping, with attention to some of the elements that contribute to this picture, and consider the psychological and social appeal of this image of the courts (section 2). Next, I will present a few case studies to illustrate the various ways in which litigants seek to forge a relationship between themselves and jurors as their helpers (section 3). Finally, I will consider some of the tensions behind the construction of courts as venues for helping.

2. *Courts as venues for helping*

Over the last several decades, scholars have examined the Athenian popular courts not only as legal institutions concerned with the application and enforcement of laws and the settlement of disputes, but also as social and political institutions in which values and relationships, including those between mass and elite, are negotiated and reproduced before large popular audiences.[3] Most of those who have advocated this broader conception of the Athenian courts do not deny the importance of laws and ideas of legality within them, but argue that these are not the only facets that are significant as we attempt to understand the Athenian experience. Building on this body of scholarship that views the courts as complex and multifaceted institutions, I will propose that the courts played a critical role in the conceptualization of community in Athens, by fostering an image of Athens as a polis in which citizens collectively help individuals in distress. Litigants, in presenting their cases before large popular audiences, deploy a nexus of images that depict Athenian courts as venues for helping among citizens, as they call on jurors, as bystanders to a manifest injustice, to help them with a favorable verdict. While elements of this depiction have drawn comment from scholars, as far as I am aware the full significance of these figures has not been fully recognized.

In a society in which the injunction 'help friends, harm enemies' was a powerfully appealing, if problematic, guide to social relationships and values,[4] it comes as no surprise that litigants, in presenting their cases

[3] See, e.g., Dover 1974; Ober 1989; Fisher 1992; Johnstone 1999; Roisman 2005 and 2006.

[4] On 'help friends, harm enemies' see Dover 1974, 180; Blundell 1989, 26–59; D. Cohen 1995. In my view, Herman 2006 underestimates the importance to Athenians of harming their enemies (see Christ 2007).

to jurors, speak of helping behavior and breaches of it in their narratives that relate the background to their current legal conflicts. This is perhaps nowhere more salient than when litigants make claims about how bystanders spontaneously intervened to help them against the patently malicious behavior of their opponents on the streets of Athens. Thus, for example, a client of Lysias insists in his speech *Against Simon* that concerned citizens sided with him, his kin, and his boy love, in the face of violent assaults on the part of his rival Simon, and provided assistance, verbal or physical (Lys. 3.6–7, 15–16, 18). So, too, Apollodorus asserts in his speech *Against Nicostratus* that concerned passersby rescued him from the night-time assault of Arethusius who was about to throw him into a quarry ([Dem.] 53.17). These vignettes strikingly depict helping as a communal activity in which fellow citizens actively engage to protect one of their own—even a stranger—against depraved violators of communal norms.[5] While such narratives provide good evidence for the construction of notions of communal helping in the courts, they are much less common in extant forensic oratory than litigants' direct appeals to jurors to help them in their current legal difficulties. Indeed, litigants, who sometimes relate how bystanders intervened for them against their opponents on the streets of Athens, frequently cast jurors themselves as citizen bystanders to a crime-in-progress in court and call upon them to intervene in defense of communal principles and of the community itself. Let us consider some of the elements that contribute to this picture of a trial as a social drama (some would say melodrama) in which juror-bystanders can intervene and rescue a worthy litigant.[6]

Although forensic speakers naturally call attention to the crimes they have suffered out of court at the hands of their opponents, they also often vividly represent the trial in which they are involved as a continuation of the injustices and indignities perpetrated earlier by their rivals. As victims of their opponents' ongoing machinations and misrepresentations in court, litigants tellingly speak of themselves as deserving assistance since they are 'in the process of suffering wrong / harm' (ἀδικούμενοι). A client of Demosthenes, for example, in closing his speech, pleads (Dem. 35.56):

[5] On these episodes and similar ones see Sternberg 2006, 76–103 and Christ (forthcoming).

[6] On the interplay of drama and oratory in Athens see Ober and Strauss 1990; Hall 1995, 2006; Scafuro 1997; Goldhill and Osborne 1999; Rosenbloom 2002; cf. Humphreys 1985, 355 ('Courts are inherently rhetorical and theatrical').

> We consider these things to be just; and we beg you, men of the jury, to come to the aid of us who are being wronged, and to punish those who devise evil and resort to sophistries as these men do.
>
> ταῦτα ἡγούμεθα δίκαια εἶναι, καὶ ὑμῶν δεόμεθα, ὦ ἄνδρες δικασταί, βοηθεῖν ἡμῖν τοῖς ἀδικουμένοις, καὶ κολάζειν τοὺς κακοτεχνοῦντας καὶ σοφιζομένους, ὥσπερ οὗτοι σοφίζονται.

Thus, while diverse wrongs may lie behind a trial and prompt the litigation that leads to it, the trial itself becomes for allegedly wronged parties a crime-in-progress—an extension of what they have suffered out of court.[7] Consistent with this dramatization of a trial as a crisis in progress is the common characterization of it as fraught with risk and danger and the labeling of the trial itself sometimes as not only a contest (ἀγών) but also a danger (κίνδυνος).[8]

If litigants, according to this construction of court experience, are hapless victims suffering wrong at their opponents' hands at trial, jurors are, consistent with this, transformed into eyewitnesses of the crime-in-progress that represents so great a threat to litigants. Litigants direct jurors, as eyewitnesses, to see and recognize the manifest wrong before them, and above all not to stand by and 'just look on' (περιοράω). For example, a client of Demosthenes involved in an inheritance dispute pleads (Dem. 44.3):

> I beg you, men of the jury, to come to the aid of my father and myself, if we speak what is just, and not just look on while men who are poor and weak are crushed by the unjust men marshaled against us.[9]

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[7] For the appeal to help (βοηθέω) a litigant who is 'in the process of being wronged' (ἀδικούμενος) see also Dem. 21.224–225; 30.25; 34.2; 35.56; 38.2; 40.5; 44.15; 45.1; 50.64; 56.4. Litigants sometimes use the perfect tense to highlight the continuity of the past wrongs done them with the current ones in court, asking jurors to help them as men 'who have been wronged' (ἠδικημένοι) (Isae. 8.15; Dem. 27.3; 42.15; 54.2; cf. 57.3). Some litigants graphically appeal for help from jurors on the grounds that they are suffering a hubristic assault in court (ὑβρίζομαι) (Isae. 8.45; Isoc. 16.48; Dem. 43.84); the same verb could be applied to an insolent physical assault on the streets (e.g., Lys. 3.17).

[8] On the common characterization of a trial as an ἀγών see Garner 1987, 59–71; Todd 1993, 9; Christ 1998, 35. For a trial as a κίνδυνος see, e.g., Lys. 3.2, 45; 18.23; 24.17; Dem. 21.9; Christ 1998, 35–36; cf. Balot 2004, 242–246. In forensic oratory, κινδυνεύω often means 'to be on trial': see, e.g., Lys. 1.50; 3.2, 39; 4.13; Worthington 1985; Todd 2007, 309.

[9] For jurors as eyewitnesses who should not 'just look on' (περιοράω), see also Andoc. 1.2; Antipho 2.2.13; 3.1.2; Lys. 3.47; 4.20; 9.22; 18.23; Isae. 9.37; Dem. 20.75; 21.222; 26.24; Lycurg. 1.82–83; cf. Lys. 3.17 (on not 'just looking on' street violence); on the use of περιοράω with present or aorist participles see Smyth 1956, § 2141. For the exhortation

> δέομαι δ᾽ ὑμῶν, ὦ ἄνδρες δικασταί, βοηθῆσαι τῷ τε πατρὶ τούτῳ καὶ ἐμοί, ἐὰν λέγωμεν τὰ δίκαια, καὶ μὴ περιδεῖν πένητας ἀνθρώπους καὶ ἀσθενεῖς καταστασιασθέντας ὑπὸ παρατάξεως ἀδίκου.

What should jurors, as bystanders to a crime-in-progress, do in these circumstances? Litigants call upon them to intervene, just as—ideally at least—bystanders in Athens might intervene in behalf of a victim of crime in the streets.[10] Intervention by jurors, as by witnesses to street crime, could take the form of verbal support or more active assistance, as litigants make clear. One option for jurors was to lend verbal support to the wronged litigant by raising a din (θόρυβος) in his favor or drowning out his opponent.[11] Another option, however, was, in the common parlance of litigants, to *help* the wronged litigant and *save* him through a favorable verdict.

By far the most common word that litigants use in asking jurors for 'help' is βοηθέω, a vivid compound that reinforces the idea that jurors are bystanders being called to intervene in a crime. Βοηθέω means literally 'run to a cry', and evokes the image of bystanders rushing to the cry of a victim in the streets. As scholars have observed, this word embodies a social expectation found in many historic societies that those hearing a cry should run to lend assistance.[12] While it is possible that Athenians used βοηθέω and its cognates with sufficient frequency that its constituent elements and connotations did not always register with listeners, Athenians were clearly conscious of the nuances of this word, as

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that jurors should not simply look on (περιοράω), but rather give help (βοηθέω), see Lys. 19.64; Isae. 2.47; 8.45; Isoc. 16.48; Dem. 28.19–20; 42.32; 43.84; 44.3; 45.85 (ὑπεροράω); Hyp. *Pro Euxenippo* 38. A litigant could also appeal to jurors to help as eyewitnesses to a previous trial (Isae. 5.20; cf. Dem. 47.79), or appeal to them on the basis that they have direct and personal knowledge of the goodness or badness of the litigants (see Ober 1989, 149; cf. Wolpert 2003). If litigants present jurors as eyewitnesses at the trial, they also remind jurors that they are in the public eye as they cast their votes, most immediately since they are being watched by 'those standing around' (οἱ περιεστηκότες) as observers of the trial (see Lanni 1997).

[10] Sternberg 2006, 101 notes that jurors are called on 'in a sense as bystanders to a wrongdoing—but long after the event, when they can interpret it at leisure, when they can intervene with little risk to themselves'. It is my position that litigants often present the trial itself as a crime-in-progress and vividly cast jurors as bystanders who must determine whether and how to intervene.

[11] On dikastic θόρυβος see Bers 1985.

[12] On the etymology of βοηθέω and historical parallels for calling on community members for urgent relief see Schulze 1933, 160–198; Fraenkel 1950 III, 614; Chantraine 1968–1980 I, 182–183; Lintott 1982, 18–22; Fisher 1998, 88 and 1999, 67; Sternberg 2006, 79–80.

its appearance in forensic oratory and elsewhere attests.[13] It is, therefore, plausible that, when litigants called upon jurors for βοήθεια at trial, jurors heard this not only as a general plea for support but also as a cry for help, to which they were asked to come running as bystanders to a crime-in-progress. If it seems preposterous that seated jurors would be asked to 'run' to help a litigant, we should remember that opposing litigants could also be envisioned in motion—the prosecutor, as 'the chasing party' (ὁ διώκων) and the defendant, as the 'fleeing one' (ὁ φεύγων).[14] In keeping with this dramatic picture of jurors running to help wronged litigants is the closely related plea of litigants that jurors 'save' them (σῴζω and its cognates) in the dire situation in which they find themselves at trial (see further below).[15]

It is noteworthy that litigants not only appeal for help (βοήθεια) from jurors with great frequency, but also often highlight their cries for help by placing them in salient places within a forensic oration, near its opening or close.[16] When these appeals appear both at the start and end of a speech, it seems especially clear that litigants are advancing a view of themselves as victims and of jurors as helping bystanders that is meant to provide a frame for, and social context to, all else that intervenes, including narratives of past wrongs, citations of laws, and witness testimonies. Further amplifying appeals for help is their frequent conjunction with the supplication of jurors to intervene.[17] Steven Johnstone has

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[13] For Athenian consciousness of the semantics of βοηθέω see [Dem.] 53.17; Ar. *Ach.* 572–573; Xen. *Hell.* 7.2.19; *An.* 5.2.31; cf. Lys. 3.15–16; Dem. 21.224; 24.208; Xen. *Hell.* 7.2.7.

[14] On this imagery see Garner 1987; cf. Dem. 38.2, where a litigant begs jurors to 'run to my cry' (βοηθῆσαί μοι) since he has unjustly been made to 'flee a suit' (φεύγειν δίκην), i.e. to be a defendant. Both defendants and prosecutors could appeal for help from jurors, the former in fending off an unjust attack, the latter in pursuing a malefactor: see below, n. 35.

[15] For the use of σῴζω in this context see Antipho 5.73; Andoc. 1.148–149; Lys. 14.23; 19.54; 24.7; 28.17; Isae. 7.38; fr. 18 Forster; Dem. 19.239; 21.98; 22.64; 24.170; 25.2; 57.6, 17; Aeschin. 2.44, 149, 180, 183. For the use of σῴζω and βοηθέω in close conjunction see Dem. 19.292–293; 28.19–20; 36.59; 57.3; Hyp. *Eux.* 38; Lycurg. 1.150. On the political, mythological, and religious nuances of σῴζω in an Athenian context see Faraone 1997, 47, 56, and *passim*.

[16] For βοηθέω near the start of a speech see Antipho 1.3–4; Lys. 32.3; Isae. 7.4; 8.5; Isoc. 18.4; Dem. 21.7; 27.3; 35.5; 38.2; 40.5; 42.4; 44.3; 45.1; 54.2; 56.4; 57.3; 58.7; near its end: Lys. 10.32; 12.99; 18.27; 19.64; 28.17; Isae. 2.47; 4.30–31; 8.45; 9.35; Isoc. 16.48; Dem. 21.227; 26.27; 27.68; 28.19–20; 35.56; 36.59; 40.61; 42.31–32; 43.84; 45.88; 46.28; 47.79; 49.68; 50.64; 54.42; 58.69; Hyp. *Eux.* 38; Lycurg. 1.150; Din. 3.20; cf. Antipho 1.31; 2.3.11; 3.4.10.

[17] For the conjunction of βοηθέω with ἱκετεύω see Lys. 18.27; Isae. 8.45; Dem. 21.7;

called attention to the ritualistic nature of these supplications, arguing that through them elite litigants abase themselves before the *dêmos* and acknowledge its power over them.[18] I find this to be an attractive reading of the imagery of supplication, but it is my thesis that supplication imagery, which is closely allied with appeals for βοήθεια, is also part of a broader phenomenon—the construction of the courts as venues for helping and of the relationship between litigant and jurors as that of hapless victim and communal helpers intervening in a crime-in-progress.

The fact that litigants frequently invoke the language of helping in their appeals to jurors invites the possible objection that we are dealing with mere commonplaces.[19] Commonplace yes; mere, no. While it is certainly true that litigants and the logographers who provided many of them with their speeches are conscious of these rhetorical tropes,[20] as with other commonplaces the question is why they are so common, and what in them appealed to audiences. For scholars of an earlier generation, it was enough to identify and catalogue such commonplaces; over the last several decades, however, scholars have found these to be a rich source for the social and political assumptions, attitudes, and ideals, of the large popular audiences before whom they were presented in the lawcourts.[21]

We are dealing not simply with isolated commonplaces in the repertoire of forensic speakers and logographers, moreover, but with what could be described as a readily adaptable 'poetics of helping' that litigants weave into the presentation of themselves, their cases, and jurors' relationships with them. In sketching the basic elements of the poetics of helping thus far, I have focused on some of its core features, whereby the juror as bystander is called upon to intervene in a crime-in-progress by helping the victim and coming to his rescue. Numerous variations on this immediately crop up as one surveys the corpus of forensic oratory.

27.68; 28.19–20; 42.32; 43.84; 45.1, 85; 46.28; 56.4; Lycurg. 1.150; Din. 3.20–21; with ἀντιβολέω, see Lys. 18.27; Dem. 27.68; 28.20; 43.84; 45.85; with δέομαι, see Antipho 1.3; Lys. 18.27; 19.63; 32.3; Isae. 2.47; 7.4, 37; 8.5, 45; Isoc. 16.48; Dem. 21.7; 27.3, 68; 35.56; 42.4, 32; 43.17, 84; 44.3; 45.85; 46.28; 54.2; 56.4; Lycurg. 1.150; Din. 3.20–21.

18 Johnstone 1999, 109–125, particularly at 122–124.

19 Sternberg 2006, 101 underestimates the richly evocative nature of these calls for help: 'It is striking that the verb *boêtheô*, which means "come to the rescue", is a frequent figure of speech in deliberative and forensic oratory—having lost much of its physical immediacy, having faded into a plea to cast the right vote.'

20 On the rhetorical use of appeals for βοήθεια see [Arist.] *Rh. Al.* 1433b17–22, and 1445a3–6; cf. Antipho 2.3.11.

21 See above, n. 3.

For example, litigants call upon jurors to lend help not only to them, but also to the dead who have suffered at the hands of their opponents; to the city and its laws; and not least to themselves as members of the community with a vested interest in seeing justice done.[22] Furthermore, the cry for help to jurors is often accompanied by the urgent complaint that an opponent is receiving help from corrupt and debased supporters, especially speakers (*sunêgoroi*) in the current trial, and that it is incumbent on jurors to provide help to correct the imbalance and tip the scales in favor of the right litigant.[23] In such cases, litigants construct a world in which they and jurors, as members of a just community, are (or should be) allied against their legal opponents and their corrupt supporters and co-conspirators,[24] and in which jurors are in a position to provide just and proper help to one of their own. In considering some case studies later in this chapter, we will examine some of the ways in which litigants deploy the poetics of helping in their attempts to win the help of jurors.

The apparent popularity of this construction of lawcourts as venues for communal helping is likely due to both its psychological and social appeal. First, one can well imagine how this construction might appeal psychologically to Athenian jurors. Athenians, in general, appear to have been drawn to the idea that heroic helping was a national trait, to judge from the mythical episodes involving Athenian help to non-Athenians—like the story of their intervention against Thebes on behalf of the kin of the fallen Seven to retrieve their corpses for proper burial—that crop up regularly in funeral orations and on the tragic stage.[25] The casting of the Athenian juror as a heroic rescuer who comes to the assistance of a wronged citizen could not help but appeal to his ego and

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[22] Help the dead: Antipho 1.21–22; Lys. 12.99–100; Isae. 2.47; Dem. 28.19–20; 43.84; cf. Antipho 1.3–4, 31; 2.3.11; Lys. 10.32. Help the city: Lys. 15.9; Lycurg. 1.150; Din. 3.20. Help the laws: Lys. 10.32; Dem. 21.225; 26.27; 43.84; 57.32; Din. 3.20; cf. Antipho 1.24, 31; Isoc. 18.4, 28; Dem. 21.76; 42.15; 46.28; Ar. *Plut*. 914. Help yourselves: Lys. 12.80; 29.8; Isoc. 20.15; Dem. 21.7; 24.157; 28.20; 46.28; cf. Lys. 19.64; Dem. 21.227; 35.56; 43.84; 50.64; Lycurg. 1.150.

[23] For protests against help rendered by an opponent's supporters and *sunêgoroi* see Antipho 1.24; Lys. 8.16, 18; 12.85–86, 89; 14.21–23; 15.1, 4; 30.33; 31.32; Dem. 19.239; 21.127, 205–206, 211; 22.38; 24.157; Aeschin. 1.194; 3.196; Lycurg. 1.43, 140; cf. Rubinstein 2000, 163–168.

[24] On the rhetoric of conspiracy in Athens, see Roisman 2006.

[25] For recent discussions of these episodes see Tzanetou 2005 and Konstan 2005. On the Athenian claim of 'helping the wronged' in inter-state relations see Low 2007, 177–186.

sense of manliness.[26] Although Athenians outside the courts were cautious about intervening to help strangers in distress due in part to the physical risks involved,[27] Athenian jurors could provide risk-free assistance to litigants by responding to their cries for 'help' through a favorable verdict and enjoy the fiction of being heroic rescuers.[28] The risk-free character of the help rendered by jurors is clear in Lysias' *Against Eratosthenes*, when he appeals to the jury to condemn his opponent, who as one of the Thirty was responsible for the death of many Athenians and metics, including Lysias' own brother. Near the end of his speech, Lysias urges jurors, 'Since you were unable to protect them when they were alive, come to the aid of the dead' (ἐπειδὴ ζῶσιν ἐπαμῦναι οὐκ ἐδύνασθε, ἀποθανοῦσι βοηθήσατε, Lys. 12.100).[29] While Athenians do not appear to have engaged in many heroics to intervene on behalf of the victims of the Thirty, presumably in part because of the high risk involved,[30] Lysias presents his jurors with an opportunity to give heroic help to the dead now at no risk whatsoever to themselves and thus perhaps implicitly to redeem themselves for their previous inaction.

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[26] For a caricature of the egotism of the Athenian juror see Ar. *Vesp*. 517–630 and *passim*. On the Athenian preoccupation with manliness see Roisman 2005.

[27] In Christ (forthcoming), I argue that Hunter (1994, 138–139) and Sternberg (2006, 177, but cf. 180) underestimate the caution of Athenian bystanders who witnessed street violence.

[28] That jurors might fancy the idea that they were heroic rescuers is also suggested by the exploitation of this notion by Diodorus, a client of Demosthenes, who proposes that, in the event of a massive escape of prisoners from the city's jail, each juror would come to the rescue (βοηθήσειεν ἄν) to the best of his capacities (Dem. 24.208). On the risk-free nature of the help for which litigants ask jurors see Sternberg 2006, 101.

[29] Lysias goes on in this passage to cast this act of forensic helping as one involving the pursuit of just vengeance (τιμωρία) on behalf of the dead. On 'helping' and 'avenging' see section 3.1 below.

[30] Athenians apparently did not take action against the Thirty when they began their purge of their democratic enemies on the pretext that they were cleansing the city of sykophants (see Xen. *Hell*. 2.3.12; [Arist.] *Ath. Pol.* 35.3; Lys. 12.5; Christ 1998, 72–73, 80–81). Nor did they attempt to intervene on behalf of Theramenes when he was condemned to death by the Thirty (see Xen. *Hell*. 2.3.52–55, with Sternberg 2006, 83, 101). Plato's Socrates took considerable risk in not obeying the Thirty when they ordered him and four others to go to Salamis to arrest Leon the Salaminian, but he did not go so far as to seek to warn Leon: 'the other four went to Salamis and arrested Leon, but I simply went home' (Pl. *Ap*. 32c–d); cf. Balot 2006, 135. Lysias, however, received some help (relatively low-risk) from Damnippus, in whose house he was being held by the Thirty: Damnippus, a friend of Lysias, agreed to attempt to bribe Theognis to release him, but Lysias escaped from the house before the transaction was completed (Lys. 12.12–16).

If jurors were happy to conceive of themselves as heroic rescuers, they may also have relished the notion that they enjoyed a quasi-divine power in their ability to help and save litigants from their dire straits.[31] Greek divinities, after all, are regularly envisioned as having the capacity to help and rescue human beings. A client of Hyperides thus prays to the gods 'to help me and save me in the present trial' (βοηθῆσαί μοι καὶ σῶσαι ἐ̣[κ̣] τοῦ παρόντος ἀγῶνος, Hyp. *Lyc.* 3.44).[32] That jurors have a power akin to that of the gods is explicit when Aeschines calls upon both to rescue him from his legal difficulties (Aeschin. 2.180):

> I call upon and supplicate, first of all, the gods to save me, and then you who are in control of the vote, before whom I have defended myself against each of the accusations, to the best of my recollection; I beg you to save me and not give me over to the hands of the logographer, the Scythian [i.e., Demosthenes].[33]
>
> παρακαλῶ δὲ καὶ ἱκετεύω σῶσαί με πρῶτον μὲν τοὺς θεούς, δεύτερον δ' ὑμᾶς τοὺς τῆς ψήφου κυρίους, οἷς ἐγὼ πρὸς ἕκαστον τῶν κατηγορημένων εἰς μνήμην εἶναι τὴν ἐμὴν ἀπολελόγημαι, καὶ δέομαι σῶσαί με καὶ μὴ τῷ λογογράφῳ καὶ Σκύθῃ παραδοῦναι.

Although Aeschines finds it prudent to appeal to both the gods and jurors as potential rescuers, most litigants dispense with appeals to the divine and supplicate exclusively the human agents who have the ability to help and rescue them through a favorable verdict.[34]

The construction of the courts as venues for helping, however, was not only psychologically but also socially appealing to jurors. When litigants called upon large panels of jurors to help them, they invoked an attractive image of the Athenian community as one in which fellow citizens, acting collectively, would come to the rescue of a wronged individual out of a sense of solidarity and unity. Whichever litigant they chose to help through their votes—and nothing prevented both litigants from

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[31] The quasi-divine power of jurors did not escape Aristophanes' Philocleon in *Wasps*, who asserts that, as juror, he wields power that is no less than that of Zeus (Ar. *Vesp.* 619–630; cf. 572).

[32] For divinities as helpers of those suffering wrong see Arist. *Rh.* 1383b7 (τὸ δὲ θεῖον ὑπολαμβάνεται βοηθεῖν τοῖς ἀδικουμένοις); cf. Ar. *Plut.* 1025.

[33] Cf. [Demades] 1.2: ἐμπεσὼν δὲ αὐτὸς εἰς μέσην τὴν τῶν ῥητόρων δυσμένειαν, ὥσπερ τῆς παρὰ θεῶν οὕτω τῆς παρ' ὑμῶν δέομαι τυχεῖν βοηθείας ('Since I have myself fallen victim to the full hatred of the orators, I seek help from you, just as I do from the gods').

[34] See the passages collected above in n. 17.

appealing for help[35]—jurors could confirm the centrality of the idea of helping in their vision of the Athenian community. Litigants, moreover, in leveling their appeals for help to jurors, actively sought to forge bonds between themselves and jurors that would warrant intervention, laying emphasis on common values and shared interests. In so doing, they fostered a sense of community that jurors may have found appealing. If, as is likely, most litigants in the courts were strangers or near-strangers to jurors,[36] in their rhetoric at least they offered an enticing view of the bonds between citizens that linked even strangers to one another within the Athenian community.

3. *Case studies*

Thus far, I have argued that litigants construct the courts as venues for communal helping, casting themselves as victims and jurors as bystanders in a position to help or save them, and have touched on some of the reasons why this may have appealed to jurors. To appreciate some of the nuances and subtleties of this way of conceptualizing the Athenian courts and the relation between litigants and jurors within them, it is useful to examine a few case studies. Although appeals for help in the courts draw on recognizable commonplaces, litigants freely adapt these to their own situations and purposes, and in so doing creatively contribute to a conceptualization of the Athenian community as a helping one. In the case studies that follow, litigants emphasize different aspects of communal helping: helping in the form of avenging a wrong done to victim and city (section 3.1); helping as a reward for prior service to the city (section 3.2); and helping as an act of solidarity against a threat to the community (section 3.3).

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[35] For appeals for help (βοήθεια) from defendants and their supporters see, e.g., Antipho 5.79–80; Lys. 18.25; 19.63; Isae. 2.47; Isoc. 16.48; 18.37; Hyp. *Eux*. 38; Dem. 57.3. For appeals from prosecutors and their supporters see, e.g., Antipho 1.3–4; Lys. 10.32; 32.3; Isae. 5.20; Dem. 21.7; 27.3; 28.20; 30.25; 40.5; 42.4; 44.3; 45.1; 46.28; 47.79; 49.68; 50.64; 54.2; 56.4; 58.7; cf. Lycurg. 1.150. Prosecutors often also cast themselves as helping the city through their suits: see, e.g., Antipho 1.31; Lys. 22.3; Dem. 22.1; 24.8; Aeschin. 1.2; 3.260; Lycurg. 1.149; Din. 1.114; cf. Lys. 7.38; 20.17; fr. 195.1 Carey; Isae. 3.46; Dem. 43.84; Ar. *Plut*. 914–915.

[36] Athens was not a 'face-to-face society': see E. Cohen 2000, 104–129.

3.1. *A community of kindred avengers—Antiphon 1:* Against the Stepmother

The speaker of Antiphon 1: *Against the Stepmother* is prosecuting his stepmother before the Areopagus for poisoning his father; his half-brothers support her, and one of them speaks in her defense. The speaker is responsible, as the son of the deceased, to bring suit against his father's alleged murderer. While the suit is a private one (δίκη), as is standard for Athenian homicide cases, the speaker reaches out to his judges to support and help him because of not only the private wrong suffered, but also the threat to the city and its laws. Central to the speaker's presentation of his case are his appeals for help from his judges, which are interwoven with his calls for them to join him in seeking vengeance against his stepmother.

From the start, Antiphon's client highlights his need for help from his judges (Antipho 1.3–4):

> If I show that their mother murdered our father intentionally and with premeditation, and indeed that she was caught in the act of contriving his death not just once but many times before, then I beg you, gentlemen, to take vengeance, first for your laws, which you received from the gods and your ancestors—for you convict people by these laws just as they did; second, for the dead man, and at the same time help me who am left all alone. You are now my family, while they, who ought to be avengers of the dead man and my helpers [cf. Antipho 1.2], have become his murderers and my opponents. Where can one turn for helpers? Where can one take refuge except with you and with justice?
>
> δέομαι δ' ὑμῶν, ὦ ἄνδρες, ἐὰν ἀποδείξω ἐξ ἐπιβουλῆς καὶ προβουλῆς τὴν τούτων μητέρα φονέα οὖσαν τοῦ ἡμετέρου πατρός, καὶ μὴ ἅπαξ ἀλλὰ πολλάκις ἤδη ληφθεῖσαν τὸν θάνατον τὸν ἐκείνου ἐπ' αὐτοφώρῳ μηχανωμένην, τιμωρῆσαι πρῶτον μὲν τοῖς νόμοις τοῖς ὑμετέροις, οὓς παρὰ τῶν θεῶν καὶ τῶν προγόνων διαδεξάμενοι κατὰ τὸ αὐτὸ ἐκείνοις περὶ τῆς καταψηφίσεως δικάζετε, δεύτερον δ' ἐκείνῳ τῷ τεθνηκότι, καὶ ἅμα ἐμοὶ μόνῳ ἀπολελειμμένῳ βοηθῆσαι. ὑμεῖς γάρ μοι ἀναγκαῖοι. οὓς γὰρ ἐχρῆν τῷ μὲν τεθνεῶτι τιμωροὺς γενέσθαι, ἐμοὶ δὲ βοηθούς, οὗτοι τοῦ μὲν τεθνεῶτος φονῆς γεγένηνται, ἐμοὶ δ' ἀντίδικοι καθεστᾶσι. πρὸς τίνας οὖν ἔλθῃ τις βοηθούς, ἢ ποῖ τὴν καταφυγὴν ποιήσεται ἄλλοθι ἢ πρὸς ὑμᾶς καὶ τὸ δίκαιον;

A striking feature of this cry for help is the speaker's appeal to his judges to act as surrogate kin in lending him assistance: since his family—to whom he would most naturally have recourse when in need of assistance in or out of court—have betrayed him and are his opponents, he must turn to

his judges to be his helpers.[37] In transforming the strangers judging his case into helping kinsmen, the speaker advances a view of the Athenian community as a large family whose members naturally assist one another. Consistent with this effort to bridge the gap between himself and his audience is the way the speaker calls upon his judges here to avenge both the public wrong against the laws and the private wrong against the dead man. Antiphon's client later invokes this same convergence of public and private vengeance in characterizing his own role as prosecutor (Antipho 1.24):

> I am prosecuting her with this speech so that she will pay the penalty for the crime she has committed and I will gain revenge for our father and your laws, and in this way I deserve help from all of you if I speak the truth.
>
> καὶ ἐγὼ μὲν ἐπεξέρχομαι λέγων, ἵνα δῷ δίκην ὧν ἠδίκηκε καὶ τιμωρήσω τῷ τε πατρὶ τῷ ἡμετέρῳ καὶ τοῖς νόμοις τοῖς ὑμετέροις· ταύτῃ καὶ ἄξιόν μοι βοηθῆσαι ὑμᾶς ἅπαντας, εἰ ἀληθῆ λέγω.

The speaker asserts that he embraces the same dual objective of avenging the laws and his father that his judges do, and that this justifies their support of him. If the speaker puts vengeance for his father first and for the laws second, thus reversing the sequence he used when appealing to his audience earlier (Antipho 1.3), the fact that he and his judges share the same twofold goal—if with naturally different priorities—sufficiently binds them to one another against the speaker's stepmother and her supporters.

When the speaker calls upon his judges to help him in seeking vengeance for his dead father, it is perhaps implicit that they will simultaneously be helping the dead man by punishing his murderer. Lest his judges miss this aspect of their provision of help, the speaker makes this point explicitly in the heart of his speech, asserting that the dead man 'deserves to obtain your pity, help, and vengeance' (ἄξιος καὶ ἐλέου καὶ βοηθείας καὶ τιμωρίας παρ' ὑμῶν τυχεῖν, Antipho 1.21) and that they should be helpers (βοηθοί) not of murderers, but of their victims (Antipho 1.22). The idea that the judges will be rendering help ultimately to the dead man himself paves the way for the speaker in his peroration to characterize himself too as a helper of the dead man and the law (Antipho 1.31):

[37] For similar appeals to jurors see Dem. 28.20; 45.85; cf. Andoc. 1.148–149; Lys. 18.24. On the 'unnaturalness' of intra-familial litigation see Christ 1998, 168–173. Antiphon's client, as a young man (allegedly) without legal experience (1.1, 30), is in a particularly good position to appeal for compassionate help from jurors; cf. Antipho 5.79–80; Isae. 9.35; Isoc. 16.48; Dem. 58.41.

> I have told my story and have given my help to the dead man and the law. Now it is up to you by yourselves to consider what remains to be done and decide in accordance with justice. The gods below, I think, are concerned about the victims of crime.
>
> ἐμοὶ μὲν οὖν διήγηται καὶ βεβοήθηται τῷ τεθνεῶτι καὶ τῷ νόμῳ· ἐν ὑμῖν δ᾽ ἐστὶ σκοπεῖν τὰ λοιπὰ πρὸς ὑμᾶς αὐτοὺς καὶ δικάζειν τὰ δίκαια. οἶμαι δὲ καὶ θεοῖς τοῖς κάτω μέλειν οἳ ἠδίκηνται.

It is noteworthy that the speaker, who began his speech as an isolated individual in need of help from the court, has by the end of his speech himself become a helper of his father and the law. And yet, he makes it clear that his help is but a part (μέν) of what is needed; what remains (δέ) is for his judges to embrace the helping role that he has insisted upon from the start by also helping the dead man and the law through a favorable verdict. Working together as members of a just and helping community, he suggests, prosecutor and judges can avenge the offense against the dead man and the city's laws, and thus simultaneously serve legitimate private and public ends.[38]

3.2. *A community of reciprocal helpers*

As scholars have long noted, Athenian litigants regularly parade before jurors their and their ancestors' past services to the city and seek gratitude (χάρις) from them in the form of a sympathetic hearing and favorable verdict.[39] An integral part of the appeal to, and exploitation of, χάρις in the courts is the rhetoric of helping—the idea that those who have helped the city as good citizens deserve reciprocal help from their fellow citizens in their time of need. The flip-side of this, which litigants invoke frequently, is that citizens who have failed to help the city in the past do not deserve help from jurors. In each case, litigants advance a view of the Athenian community in which individual and group are bound to one another through reciprocal helping.[40]

The idea that jurors, as members of the *dêmos*, should help those who have helped the city is well illustrated by the speaker of Lysias 18: *On the Confiscation of the Property of Nicias' Brother*, as he seeks

[38] For a similar intertwining of 'helping' and 'avenging' see Antipho 2.3.11; 5.79–80; Lys. 12.99–100; 29.8; Dem. 21.76, 227; 46.28; 50.64; cf. 58.1–3, 59.

[39] On the rhetoric of reciprocity in Athens see esp. Millett 1998 and van Berkel in this volume. On χάρις as a binding force within the city see Nick Fisher's contribution to this volume.

[40] On reciprocity and citizenship in Athens see Christ 2006, 26–34.

to defend the property of his deceased father, Eucrates (brother to the famous Athenian general Nicias), from his opponent's claim against it.[41] Throughout his speech, Lysias' client emphasizes the services of his kin to the city during the Peloponnesian War and under the regime of the Thirty, including his own personal role as a child in his family's appeal to the Spartan Pausanias to help them on the basis of friendship and *xenia* (Lys. 18.10) and to support the *dêmos* rather than the violent oligarchs (Lys. 18.11–12). The help that he and his brother gave to the *dêmos* (ἡμᾶς … βοηθῆσαι τῷ πλήθει) as children and the multiple benefactions of his kin make it natural to seek refuge with jurors, and to ask them to show gratitude (τὴν χάριν) for these past services and thus 'to provide an example to those who desire to do the city good service of the treatment that they will receive from you in times of danger' (παράδειγμα ποιῆσαι τοῖς βουλομένοις τὴν πόλιν εὖ ποιεῖν, οἵων ὑμῶν ἐν τοῖς κινδύνοις τεύξονται, Lys. 18.22–23). As his speech nears its conclusion, the speaker emphasizes his isolation and vulnerability in the present circumstance since the kinsmen who might otherwise have supported him died in service to the city (Lys. 18.24), and calls upon jurors to render him and his family what is due to them through the help of a favorable verdict (Lys. 18.25–27):

> Bearing all this in mind, you ought to help us eagerly, judging those to be rightful recipients of your favors under democracy who bore their share of calamity under oligarchy … So we, sons and relatives of those who have been foremost to meet danger in the cause of freedom, ask this return of your gratitude today, and deem it right that you not ruin us unjustly, but much rather that you help those who have shared in the common calamities. Now I beg and beseech and supplicate you, and I think we deserve to receive this from you. For it is no slight matter that we have at stake, but rather the whole of our possessions.
>
> ὧν ἄξιον ὑμᾶς ἐνθυμηθέντας προθύμως ἡμῖν βοηθῆσαι, ἡγησαμένους τούτους ἂν ἐν δημοκρατίᾳ δικαίως εὖ πάσχειν ὑφ' ὑμῶν, οἵπερ ἐν ὀλιγαρχίᾳ τῶν συμφορῶν μετέσχον τὸ μέρος … ἡμεῖς τοίνυν, ὑεῖς ὄντες καὶ συγγενεῖς τῶν ὑπὲρ τῆς ἐλευθερίας προκεκινδυνευκότων, ἀπαιτοῦμεν ὑμᾶς νυνὶ ταύτην τὴν χάριν, καὶ ἀξιοῦμεν μὴ ἀδίκως ἡμᾶς ἀπολέσαι, ἀλλὰ πολὺ μᾶλλον βοηθεῖν τοῖς τῶν αὐτῶν μετασχοῦσι συμφορῶν. ἐγὼ μὲν οὖν καὶ δέομαι καὶ ἀντιβολῶ καὶ ἱκετεύω, καὶ τούτων παρ' ὑμῶν τυγχάνειν ἀξιῶ· οὐ γὰρ περὶ μικρῶν κινδυνεύομεν, ἀλλὰ περὶ τῶν ὄντων ἁπάντων.

[41] On the obscure circumstances of this suit see Todd 2000, 191–193.

Thus, according to Lysias' client, his solidarity and that of his kin with the *dêmos* in its past misfortunes warrants help from the jury in his family's current difficulties. In rendering this help, the jury will confirm both its gratitude and the reciprocal nature of helping between individuals and the larger Athenian community.[42]

If litigants insist that jurors owe them help because of their past assistance to the city, they are equally adamant that their opponents who have failed to serve the city deserve no help from jurors. Consider, for example, how a client of Lysias castigates his opponent, who is undergoing a scrutiny (*dokimasia*) before the Council to determine whether he should become a member of it, for his failure to support the democrats in 403 in their struggle with the Thirty (Lysias 31: *Against Philon*).[43] In a time when every good citizen 'helped the fatherland to the best of his ability' (κατὰ τοσοῦτον ἐβοήθει τῇ πατρίδι, Lys. 31.8) and metics 'supported the *dêmos* beyond what was expected of them' (οὐ κατὰ τὸ προσῆκον ἑαυτοῖς ἐβοήθησαν τῷ δήμῳ, Lys. 31.29), Philon went to live in Oropus, from which he set out to take plunder from old Athenians left behind in the demes (Lys. 31.17). Despite this, Philon has found unscrupulous supporters, who will plead on his behalf in the current case: 'I see certain men who have conspired to help this man and to beg you, since they were not able to bribe me' (ὁρῶ δέ τινας οἳ νῦν μὲν τούτῳ παρασκευάζονται βοηθεῖν καὶ δεῖσθαι ὑμῶν, ἐπειδὴ ἐμὲ οὐκ ἐδύναντο πεῖσαι); these men, he points out, when the city was in dire straits, 'did not at that time beg him to help you and the city we share, and to betray neither his country nor the Council' (τότε οὐκ ἐδέοντο αὐτοῦ βοηθῆσαι καὶ ὑμῖν καὶ κοινῇ τῇ πόλει, καὶ μὴ προδοῦναι μήτε τὴν πατρίδα μήτε τὴν βουλήν, Lys. 31.32). This man who failed to help the city in its hour of need does not deserve the help of his supporters in the current circumstances and much less, the speaker implies, the help of the Council sitting in judgment of him.

The most vehement and extended attack on a citizen in these terms is found in Lycurgus 1: *Against Leocrates*, where Lycurgus prosecutes Leocrates for treason on the grounds that he abandoned the city after Philip's victory at Chaeronea. Throughout his speech, Lycurgus casts Leocrates as an anti-patriot who deserted his country and failed to come to help its sacred shrines (Lycurg. 1.8; cf. 58), and contrasts him with

[42] For other appeals to jurors for help based on reciprocity see, e.g., Isae. 7.37–42; Dem. 21.70; 45.85; 50.64.

[43] In such cases, the Council sat as jury: see Todd 1993, 115–116, with 116 n. 14.

the vast majority of Athenians who made every effort to support the fatherland (Lycurg. 1.57). His failure to assist his own country in its need, in fact, made him unwelcome in other cities as well, since they saw they would get no help in time of crisis from him (Lycurg. 1.133):

> One who failed to help his own country would perhaps be likely to face danger for another's! Such men are bad, whether as citizens, guests, or personal friends; for they will partake of the advantages offered by the state but will not deem it worthy of help in times of difficulty.
>
> ὃς γὰρ ὑπὲρ τῆς αὑτοῦ πατρίδος οὐκ ἐβοήθησεν, ταχύ γ' ἂν ὑπὲρ τῆς ἀλλοτρίας κίνδυνόν τιν' ὑπομείνειεν. κακοὶ γὰρ καὶ πολῖται καὶ ξένοι καὶ ἰδίᾳ φίλοι οἱ τοιοῦτοι τῶν ἀνθρώπων εἰσίν, οἳ τῶν μὲν ἀγαθῶν τῶν τῆς πόλεως μεθέξουσιν, ἐν δὲ ταῖς ἀτυχίαις οὐδὲ βοηθείας ἀξιώσουσι.

This patent breach of proper reciprocity between city and citizen, Lycurgus asserts, means that no patriot would be so foolish as to lend assistance (βοηθεῖν) to Leocrates in the current trial (Lycurg. 1.140)—a snipe at the *sunêgoroi* supporting him; far better to do what Lycurgus is doing, 'helping the fatherland' (τῇ πατρίδι βοηθῶν) by prosecuting him (Lycurg. 1.149; cf. Lycurg. 1.3–6).[44] In concluding his speech, Lycurgus exhorts the jury to condemn Leocrates to death to ensure the city's future security (Lycurg. 1.150):

> If you kill him, you will be encouraging others to protect and save your fatherland with its revenues and its prosperity. Imagine then, Athenians, that the countryside and its trees are supplicating you, that the harbors, dockyards, and walls of the city are begging you, yes, and the temples and sanctuaries deem it right that you help them. Bear in mind the charges brought and make of Leocrates an example that with you pity and tears have not more weight than the preservation of the laws and the people.
>
> ἐὰν δὲ τοῦτον ἀποκτείνητε, διαφυλάττειν καὶ σῴζειν τὴν πατρίδα καὶ τὰς προσόδους καὶ τὴν εὐδαιμονίαν παρακελεύσεσθε. νομίζοντες οὖν ὦ Ἀθηναῖοι, ἱκετεύειν ὑμῶν τὴν χώραν καὶ τὰ δένδρα, δεῖσθαι τοὺς λιμένας ⟨καὶ⟩ τὰ νεώρια καὶ τὰ τείχη τῆς πόλεως, ἀξιοῦν δὲ καὶ τοὺς νεὼς καὶ τὰ ἱερὰ βοηθεῖν αὐτοῖς, παράδειγμα ποιήσατε Λεωκράτη, ἀναμνησθέντες τῶν κατηγορημένων, {καὶ} ὅτι οὐ πλέον ἰσχύει παρ' ὑμῖν ἔλεος οὐδὲ δάκρυα τῆς ὑπὲρ τῶν νόμων καὶ τοῦ δήμου σωτηρίας.

In asserting that the temples and sanctuaries of Attica think it right that jurors come to *their* rescue against the treason of Leocrates,[45] Lycurgus deftly pre-empts any plea for help that Leocrates, as defendant, may make

[44] For the common claim that a prosecutor is 'helping' the city see above, n. 35.

[45] Cf. the emphasis placed on protecting the homeland and its sanctuaries in the Athenian Ephebic Oath (Rhodes and Osborne 2003, no. 88.1).

to jurors. He indicates, moreover, that in rendering that help, the jury can simultaneously help themselves by acting for the 'preservation of the laws and the people'.

3.3. *Community, solidarity, and security—Demosthenes 21:* Against Meidias

Perhaps the richest extant forensic speech is Demosthenes' prosecution of Meidias for his hybris in striking Demosthenes in the face in the Theater of Dionysus when he was serving as tribal *khorêgos*. While scholars have productively mined this speech for evidence of Athenian understandings of hybris and of the relationship between mass and elite in Athens,[46] no one as far as I know has analyzed it for the light it sheds on the poetics of helping in the Athenian courts.[47] As scholars have observed, Demosthenes effectively isolates Meidias from all that is decent and democratic in Athens through the course of his prosecution, casting him as a hybristic, dangerous anti-democrat, whose assault on Demosthenes is an attack on the entire community and its values, social and political.[48] An important part of this isolation of his enemy, as we shall see, is the way that Demosthenes forges an alliance with his audience against Meidias based on what he represents to be their shared understanding of helping and its role in the Athenian community.

From early in his speech, Demosthenes frames his appeal for help from jurors as one with broad communal implications since Meidias' hybris threatens both individual and group (Dem. 21.7; cf. also Dem. 21.227):

> So I beg you all, men of the jury, and I supplicate you, first to listen to my speech with good will, and secondly, if I show that this man Meidias has treated insolently not only me but also you and the laws and everyone else, to help both me and yourselves.
>
> δέομαι οὖν ὑμῶν ἁπάντων, ὦ ἄνδρες δικασταί, καὶ ἱκετεύω, πρῶτον μὲν εὐνοϊκῶς ἀκοῦσαί μου λέγοντος, ἔπειτ', ἐὰν ἐπιδείξω Μειδίαν τουτονὶ μὴ μόνον εἰς ἐμὲ ἀλλὰ καὶ εἰς ὑμᾶς καὶ εἰς τοὺς νόμους καὶ εἰς τοὺς ἄλλους ἅπαντας ὑβρικότα, βοηθῆσαι καὶ ἐμοὶ καὶ ὑμῖν αὐτοῖς.

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46 On hybris in Dem. 21 see Fisher 1992, 44–51; on mass and elite see Ober 1989, 208–212.

47 MacDowell (1990: 226) notes, however, the wide field of application of βοηθέω in this speech.

48 See, e.g., Ober 1989, 208–212 and MacDowell 1990, 28–37.

While Demosthenes is not the first Athenian litigant to propose that jurors can help themselves by helping him,[49] his analysis of helping as a critical social and civic value goes further than that of other litigants. Demosthenes not only calls upon jurors to help him as the wronged party, but also offers them a model according to which the proper exercise of help binds victims of insolent assault, juries, and the laws together in a nexus of mutual support: the victim should exercise restraint in helping himself when assaulted and abused, and turn to jurors, who will render help in defense of, and in unison with, the laws.

As Demosthenes presents it, when an Athenian individual is hybristically assaulted, he can choose to help himself on the spot by responding physically or hold back and engage in legal self-help against the aggressor by prosecuting him before an Athenian court. Demosthenes, citing the case of Euaeon, who had killed a drunk friend when struck insolently by him (Dem. 21.71–73), suggests that this sort of spontaneous, physical self-help is quite understandable: 'I fully sympathize with Euaeon and anyone else who has helped himself when dishonored' (τῷ δ' Εὐαίωνι καὶ πᾶσιν, εἴ τις αὑτῷ βεβοήθηκεν ἀτιμαζόμενος, πολλὴν συγγνώμην ἔχω, Dem. 21.74). Preferable, however, is the self-restraint shown by Demosthenes in choosing to engage in *legal* rather than *physical* self-help against his assailant.[50] Demosthenes is careful to dispel any impression that his self-restraint stemmed from passivity or cowardice by casting himself as actively and boldly helping himself through the legal process[51]—something which is not within the reach of many of Meidias' victims (Dem. 21.141):

> I think you all know the excuses which an individual has for refraining from helping himself: lack of time, aversion to public business, inability to speak, lack of means—thousands of things are responsible.
>
> ἐγὼ δὲ δι' ἃς μὲν προφάσεις ἕκαστος ἀφίσταται τοῦ βοηθεῖν αὑτῷ, πάντας ὑμᾶς εἰδέναι νομίζω· καὶ γὰρ ἀσχολία καὶ ἀπραγμοσύνη καὶ τὸ μὴ δύνασθαι λέγειν καὶ ἀπορία καὶ μυρί' ἐστὶν αἴτια.

It is precisely through Demosthenes' energetic legal self-help that the community can protect itself by condemning its common enemy,

[49] See the passages collected above in n. 22. For the vested interest of jurors in 'helping themselves' against individuals who act with hybris see also Isoc. 20.15: ὅταν δὲ τοὺς ὑβρίζοντας κολάζητε, ὑμῖν αὐτοῖς βοηθεῖτε.

[50] Demosthenes is not alone in speaking of 'helping himself' through litigation: see Lys. 19.1; Isae. 2.1; Dem. 34.2; cf. Lys. fr. 434 Carey.

[51] On Demosthenes' manly self-presentation in this speech see Roisman 2003, 136–141.

Meidias: 'Now, since he is in our grasp, he must be punished jointly by all for all, as a common enemy of the state' (κοινῇ νῦν, ἐπειδήπερ εἴληπται, πᾶσιν ὑπὲρ ἁπάντων ἐστὶ τιμωρητέος ὡς κοινὸς ἐχθρὸς τῇ πολιτείᾳ, Dem. 21.142; cf. also Dem. 21.106).

It is incumbent on the jury, according to Demosthenes, to assist the individual in exercising legal self-help in these circumstances for a variety of reasons. First, the moderate nature of the victim's response, which is in accord with communal values of self-restraint, should inspire the jury's gratitude and thus assistance (Dem. 21.70):

> If the feeling of anger which any of you has against Meidias, men of Athens, is anything less than that he ought to be put to death, you are not right. It's not just or proper that the victim's discretion should be a contribution towards acquittal for a man who didn't restrain himself from insolence; it's proper to punish the latter as being responsible for every disaster, and to show your gratitude to the former by helping him.
>
> εἰ τοίνυν τις ὑμῶν, ὦ ἄνδρες Ἀθηναῖοι, ἄλλως πως ἔχει τὴν ὀργὴν ἐπὶ Μειδίαν ἢ ὡς δέον αὐτὸν τεθνάναι, οὐκ ὀρθῶς ἔχει. οὐ γάρ ἐστι δίκαιον οὐδὲ προσῆκον τὴν τοῦ παθόντος εὐλάβειαν τῷ μηδὲν ὑποστειλαμένῳ πρὸς ὕβριν μερίδ' εἰς σωτηρίαν ὑπάρχειν, ἀλλὰ τὸν μὲν ὡς ἁπάντων τῶν ἀνηκέστων αἴτιον κολάζειν προσήκει, τῷ δ' ἐπὶ τοῦ βοηθεῖν ἀποδιδόναι τὴν χάριν.

Second, in punishing Meidias, the jury will not only allow Demosthenes to get the deferred vengeance he deserves, but also set an example for others assaulted by bullies reassuring them that jurors will come to their aid (Dem. 21.76):

> When I exercised so much care to prevent any disastrous result that I didn't defend myself at all, from whom ought I to obtain vengeance for what was done to me? From you and the laws, I think; and an example ought to be set, to show everyone else that all insolent bullies should not be fought off at the moment of anger, but referred to you, since you are the ones who guarantee and guard help for victims in accordance with the laws.
>
> ἐμοὶ τῷ τοσαύτῃ κεχρημένῳ προνοίᾳ τοῦ μηδὲν ἀνήκεστον γενέσθαι, ὥστε μηδ' ἀμύνασθαι, παρὰ τοῦ τὴν τιμωρίαν ὧν πέπονθ' ἀποδοθῆναι προσήκει; ἐγὼ μὲν οἶμαι παρ' ὑμῶν καὶ τῶν νόμων, καὶ παράδειγμά γε πᾶσι γενέσθαι τοῖς ἄλλοις, ὅτι τοὺς ὑβρίζοντας ἅπαντας καὶ τοὺς ἀσελγεῖς οὐκ αὐτὸν ἀμύνεσθαι μετὰ τῆς ὀργῆς, ἀλλ' ἐφ' ὑμᾶς ἄγειν δεῖ, ὡς βεβαιούντων ὑμῶν καὶ φυλαττόντων τὰς ἐν τοῖς νόμοις τοῖς παθοῦσι βοηθείας.

If, on the other hand, the jury fails to help litigants like Demosthenes, who has persisted in his self-help against Meidias despite his opponent's

devious out-of-court maneuvering, it will send the unhappy message to citizens that 'it will be best to kowtow to assailants, as they do in foreign parts, not to resist them' (προσκυνεῖν τοὺς ὑβρίζοντας ὥσπερ ἐν τοῖς βαρβάροις, οὐκ ἀμύνεσθαι κράτιστον ἔσται, Dem. 21.106).

When jurors help restrained individuals, like Demosthenes, who pursue legal self-help rather than physical self-help in the heat of the moment, they not only help persons who deserve their assistance but also the laws of the city with which jurors enjoy a relationship of mutual support (Dem. 21.223–225):

> For in fact, if you cared to consider and investigate the question what it is that gives power and control over everything in the state to those of you who are jurors at any time, whether the state convenes two hundred or a thousand or any other number, you'd find that the reason is not that you alone of the citizens are mobilized and armed, nor that you are physically the best and strongest, nor that you are youngest in age, nor anything of that sort, but that your power is derived from the strength of the laws. And what is the strength of the laws? Is it that, if any of you is being wronged and gives a shout, they will run up and be at your side, giving you help? No; they're written documents and they couldn't do that. What is their strength then? *You* are, if you guarantee them and make them effective on each occasion for anyone who asks. So the laws get their power from you, and you from the laws. You must therefore help them in the same way as anyone would help himself if attacked, and you must take the view that offenses against the laws concern everyone, no matter in whose case they are detected, and that neither liturgies nor pity nor any individual man nor any skill nor anything else has ever been discovered that will enable anyone who has transgressed the laws to escape punishment.

> καὶ γὰρ αὐτὸ τοῦτ' εἰ 'θέλοιτε σκοπεῖν καὶ ζητεῖν, τῷ ποτ' εἰσὶν ὑμῶν οἱ ἀεὶ δικάζοντες ἰσχυροὶ καὶ κύριοι τῶν ἐν τῇ πόλει πάντων, ἐάν τε διακοσίους ἐάν τε χιλίους ἐάν θ' ὁποσουσοῦν ἡ πόλις καθίσῃ, οὔτε τῷ μεθ' ὅπλων εἶναι συντεταγμένοι μόνοι τῶν ἄλλων πολιτῶν, εὕροιτ' ἄν, οὔτε τῷ τὰ σώματ' ἄριστ' ἔχειν καὶ μάλιστ' ἰσχύειν {τοὺς δικάζοντας}, οὔτε τῷ τὴν ἡλικίαν εἶναι νεώτατοι, οὔτε τῶν τοιούτων οὐδενί, ἀλλὰ τῷ τοὺς νόμους ἰσχύειν. ἡ δὲ τῶν νόμων ἰσχὺς τίς ἐστιν; ἆρ' ἐάν τις ὑμῶν ἀδικούμενος ἀνακράγῃ, προσδραμοῦνται καὶ παρέσονται βοηθοῦντες; οὔ· γράμματα γὰρ γεγραμμέν' ἐστί, καὶ οὐχὶ δύναιντ' ἂν τοῦτο ποιῆσαι. τίς οὖν ἡ δύναμις αὐτῶν ἐστιν; ὑμεῖς ἐὰν βεβαιῶτ' αὐτοὺς καὶ παρέχητε κυρίους ἀεὶ τῷ δεομένῳ. οὐκοῦν οἱ νόμοι θ' ὑμῖν εἰσιν ἰσχυροὶ καὶ ὑμεῖς τοῖς νόμοις. δεῖ τοίνυν τούτοις βοηθεῖν ὁμοίως ὥσπερ ἂν αὑτῷ τις ἀδικουμένῳ, καὶ τὰ τῶν νόμων ἀδικήματα κοινὰ νομίζειν, ἐφ' ὅτου περ ἂν λαμβάνηται, καὶ μήτε λητουργίας μήτ' ἔλεον μήτ' ἄνδρα μηδένα μήτε τέχνην μηδεμίαν εὑρῆσθαι, δι' ὅτου παραβάς τις τοὺς νόμους οὐ δώσει δίκην.

While this passage is often quoted in discussions of the relationship between the *dêmos* and the laws in Athens (cf. Dem. 42.15),[52] the significance of βοήθεια as a communal ideal here has not been fully appreciated. In striking language, Demosthenes envisions 'helping' as a prime function of democratic jurors. Although jurors derive their power from the laws, only jurors as human agents are in a position to answer the cries of help from victims of injustice—after all the laws cannot run to assist them![53] In lending this help, Demosthenes suggests, jurors are helping both themselves—anyone of them could be attacked and give a shout for help—and the laws, which are under attack whenever a citizen is hybristically assaulted. This imagery of helping not only vividly conveys the mutual support of laws and jurors for one another in helping victims, but also corroborates the model of the courts that I have been advancing, in which jurors are bystanders to a crime-in-progress and in a position to rescue victims crying out for help.[54]

4. *The fragility of helping*

We have seen how litigants fashion an image of the courts as venues for communal helping, in which jurors have an opportunity and obligation to intervene as bystanders to a manifest injustice before them. Although litigants vary in their approaches and emphases, they draw on, and exploit, an understanding of the courts as places where the community can and should help individuals whose values and interests coincide with its own. The ubiquity of this construction of the courts in forensic oratory from the late fifth to the late fourth century BCE suggests that jurors found this attractive as a way of understanding their collective role in relation to the individual litigants before them, and that this vision of the Athenian community as a helping one, in which the group supports the worthy individual, was appealing. While this conception of the Athenian community may well have had a significant impact on the many Athenians who served as jurors and the litigants who appeared

[52] See, e.g., Ober 1989, 299–300.

[53] For the laws themselves as lending 'help' to litigants see Isae. 4.16; cf. Isoc. 19.15, 50; Dem. 24.102, 107; 34.52; Hyp. *Adversus Athenogenem* 18.

[54] Note how Demosthenes in this passage deftly blurs not only the distinction between laws and jurors, but also between jurors and potential victims of violence, and between intervention in the courts on behalf of men suffering wrong and intervention on the street.

before them, this was very much a social construct that simplified and idealized the relationship between individual and community in the context of the courts. Let us consider some of the tensions evident in this construct.

Embedded in litigants' appeals to jurors for help are numerous indications that they could not assume that jurors would necessarily come to their rescue. Whether litigants beg, supplicate, or exhort jurors to hasten to save them, they display uncertainty and anxiety as to whether help will be forthcoming. Consistent with this is the fact that litigants often are not satisfied with asking for help just once in the course of a speech but make this appeal repeatedly and pointedly, lest jurors fail to realize its urgency or be misled by the competing appeals from their opponents.

Although litigants' anxiety no doubt arises in part from the fact that they had much at stake in winning their cases, it also reflects the challenges faced by litigants attempting to convince an audience of strangers to intervene on their behalf and come to their rescue. In day-to-day life Athenians were expected primarily to help their kin and intimate friends, and the giving of substantial help outside these circles was not very common.[55] How then were litigants in the courts to rouse strangers to help them? One strategy, as we have seen, was to confront the problem head-on and cast jurors as surrogate kin or friends, and thus provide a basis for lending support that was grounded in familiar social relationships in which helping in time of crisis was the norm.[56] Even those who invoke the metaphor that jurors are kin or friends, however, seem to recognize the thinness of such a claim among strangers, and therefore seek to establish a bond between themselves and their audiences based on their shared values and interests as members of the Athenian community. Paradoxically, Athenian litigants who sought help from jurors on the basis of shared community had first to create and construct that community in the courtroom by forging a bond between themselves and the strangers judging them.

If, on the streets of Athens, a cry for help from a victim to bystanders was a simple, imperative utterance, which bystanders had to interpret on their own as they determined whether to intervene, in court a litigant could expand a cry for help into an entire speech and provide his audience with a social and political context for responding to that cry. The

[55] See Christ (forthcoming).

[56] See Antipho 1.3–4, quoted earlier in the text, and n. 37 with further examples. On citizens as 'friends' see Konstan in this volume.

variety and range of arguments that litigants deploy as they seek to rally their audiences to come to their rescue attests not only to the ingenuity of litigants and their speechwriters, but also to the challenges of eliciting action from a group of diverse strangers. Thus, litigants at times implore jurors for help, appealing on the grounds of pity and compassion in light of their dire circumstances.[57] At other times, they appeal for help because this is right and just, which is nowhere more clear than when they call upon their audiences 'to give just help' (βοηθῆσαι … τὰ δίκαια).[58] And, as if in recognition that pity and justice may not suffice to elicit help, litigants often appeal to jurors for help on the basis of what will best serve jurors themselves as members of the *dêmos*, urging them 'to help yourselves' (βοηθῆσαι ὑμῖν αὐτοῖς).[59] In appealing to the collective self-interests of jurors, litigants acknowledge that help may not be automatic but a matter of calculation on the part of the jurors.

Perhaps the best strategy for a litigant was to cast his net widely in seeking help from jurors, as he could not be certain how his audience might respond to any single type of argument for intervention. Demosthenes, in suing his guardians over his inheritance, takes this very tack, begging and supplicating jurors for help on the basis of pity, justice, and self-interest (Dem. 28.20):

> So, help us! Help us for the sake of justice, and of yourselves, and of us, and of my deceased father. Save me, pity me, since these men [i.e., my guardians] have taken no pity, though they are relatives. It's to you that we have turned for refuge. I supplicate you, I entreat you by your children, by your wives, by the good things you have: may you have full enjoyment of them, if you don't look on me with indifference and don't cause my mother to be deprived of her remaining hopes in life and suffer a fate unworthy of her.

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[57] For appeals for help on the basis of pity and compassion see Antipho 1.21; Isoc. 16.48; Dem. 27.68; 28.20; 36.59; 45.88; 58.60; cf. Johnstone 1999; Konstan 2001; Sternberg 2005 and 2006; for the assertion that jurors should direct their help elsewhere and *not* show pity to a litigant's opponent see Lys. 12.79–80; 15.9; 29.8; Isoc. 18.4, 37; Lycurg. 1.150.

[58] For the appeal βοηθῆσαι … τὰ δίκαια see Lys. 32.3; Isae. 7.4; 8.5; Dem. 27.3, 68; 30.25; 35.5; 38.2; 40.61; 45.1; 54.2; 58.7; cf. Antipho 1.4; 5.80; Lys. 5.1; 19.63; fr. 286.4 Carey; Isae. 2.47; 8.45; Dem. 28.20; 34.40; 40.5; 42.32; 43.84; 44.3; 46.28; 54.42. In such cases, the idea of giving just help is nearly synonymous with rendering a just verdict (δικάζειν τὰ δίκαια: see, e.g., Antipho 1.31). As we have seen in our case studies, the appeal for just help can be presented as avenging a wrong done to victim and city; rewarding an individual for his prior service to the city; or as an act of solidarity against an enemy of the community.

[59] For the exhortation to jurors to help themselves see the passages collected under this rubric in n. 22.

> βοηθήσατ’ οὖν ἡμῖν, βοηθήσατε, καὶ τοῦ δικαίου καὶ ὑμῶν αὐτῶν ἕνεκα καὶ ἡμῶν καὶ τοῦ πατρὸς τοῦ τετελευτηκότος. σώσατε, ἐλεήσατε, ἐπειδή μ’ οὗτοι συγγενεῖς ὄντες οὐκ ἠλέησαν. εἰς ὑμᾶς καταπεφεύγαμεν. ἱκετεύω, ἀντιβολῶ πρὸς παίδων, πρὸς γυναικῶν, πρὸς τῶν ὄντων ἀγαθῶν ὑμῖν. οὕτως ὄναισθε τούτων, μὴ περιίδητέ με, μηδὲ ποιήσητε τὴν μητέρα καὶ τῶν ἐπιλοίπων ἐλπίδων εἰς τὸν βίον στερηθεῖσαν ἀνάξιον αὑτῆς τι παθεῖν.

In offering the juror-bystanders in his case multiple grounds for answering his cries for help and not ‘just looking on’ him in his distress,[60] the young Demosthenes astutely gauges the complexity of communal helping in an Athenian context and effectively reaches out to the jurors who ultimately cast their votes in his favor.[61]

Notwithstanding the challenges that litigants faced in appealing for help from the group of strangers judging their suits, they persisted in invoking an image of the Athenian community as it should be whenever they called on jurors to rescue them. And while they clearly did so in pursuit of their own specific legal ends, they played an important role in fostering reflection on the nature of community and perhaps in fostering community itself.

5. *Conclusion*

I have argued that the poetics of helping in forensic oratory can lead us to a better understanding both of the Athenian courts and of their role in reflection on the nature of community in Athens. The frequency with which litigants appeal for help from jurors suggests that the courts played a complex role in Athens, functioning not only as enforcers of laws and settlers of disputes, but also as venues in which ideals of community and solidarity among citizens were constructed and exploited. When litigants depicted the courts as places where jurors, as bystanders, could intervene in the troubles of fellow Athenians and lend them help, they promulgated an understanding of the Athenian community as a helping one, which, as I have suggested, must have appealed on a psychological and social level to jurors. This conception of the courts as a place where

[60] Note how Demosthenes’ repeated cries for help at the start of this passage resemble an appeal from a victim of street crime or other violence, who would naturally call out repeatedly for help.

[61] On Demosthenes’ success in this case see MacDowell 2004, 11.

Athenians could help fellow citizens, invoked diversely by a multitude of litigants over at least a century as documented by the extant orations, must have shaped how Athenians viewed their courts and the proper helping relation of group to individual within them. Litigants, however, appear to take little for granted about this helping community, as they beg, supplicate, and argue that the group before them should intervene and help. Community, in the context of the courts, was not a pre-existing, static idea, but one that had to be created anew by litigants in forging bonds with the strangers before them on the basis of shared social norms and common interests. How effectively a litigant invoked and exploited the idea of community could determine whether jurors would reply to his cry for help or turn away from it. Or, to put it slightly differently, 'Valuing Others' clearly mattered in the Athenian courts, but it was incumbent on litigants seeking help from jurors to provide an appealing vision of the Athenian community and their relation to it that would warrant a favorable verdict.[62]

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[62] I am grateful to the editors for their helpful suggestions.

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CHAPTER TEN

ARE FELLOW CITIZENS FRIENDS? ARISTOTLE VERSUS CICERO ON *PHILIA*, *AMICITIA*, AND SOCIAL SOLIDARITY

David Konstan

1. *Introduction: friendship and fellow citizens*

Few would affirm today that citizens of a country are bound together by love of one another, or that fellow citizens may be described as friends. And yet, ancient Greeks and Romans sometimes spoke as though citizenship entailed, or was based upon, friendly feeling. Thus, Aristotle states in the *Nicomachean Ethics* (1155a22–23): '*philia*, it seems, binds cities together, and lawgivers are more concerned about *philia* than about justice: for concord seems to be something similar to *philia*'. So too Cicero remarks in *De amicitia* (23): 'But if you remove the bond of good will from the world, neither home nor state will be able to stand, nor will even agriculture endure. If one fails to understand how great the power of *amicitia* and concord is, one can see it clearly from its opposites, dissension and discord. For what house is so stable, what city so secure, that it cannot be utterly toppled by hatred and quarrels? From this one may judge how great a good resides in *amicitia*.'

Did the Greeks and Romans, then, understand civic communities to be bound together by friendship, or even love, or did they mean something different by *philia* (in Greek) and *amicitia* (in Latin) than what we mean by 'friendship' and 'love'? If they did not, were they—that is, philosophers and orators like Aristotle and Cicero—merely speaking metaphorically when they applied these terms to civic relations? How, then, did they bridge the apparent distance between personal friendship, which these same thinkers held could obtain among only a few people, and the broad affection presumed to unite the state as a whole? Finally, was the conception of civic love or friendship identical in classical Greece and Rome, or were there fundamental dissimilarities? After all, classical Athens, on

which I shall be concentrating, had evolved a radically democratic ideology, which differed substantially from the aristocratic culture of Republican Rome. In particular, Rome had a developed system of patronage, which operated across class lines, whereas in classical Athens—whatever the real discrepancies of wealth and power—such an arrangement and the corresponding vocabulary seem to have been entirely lacking.[1] Did this divergence in how class relations were conceived affect the way social solidarity was imagined in respect to friendship?

2. *Athens versus Rome*

My purpose here is not to provide an exhaustive discussion of all these questions, but rather to offer a model of how affection or friendship inflected the conception of social relations in Athens and Rome, and more specifically to suggest that a crucial disparity between the two societies was, if not caused by, at least coordinated with the presence or absence of patronage as a formal category. Stated in the broadest terms, my hypothesis is that, in a society marked by an open acknowledgement of hierarchical relations, such as ancient Rome, friendship will play, at least in one respect, a different role than it does in a society characterized by a presumed or ideal equality among citizens, as was the case in classical Athens. In both these societies, friendship was, I argue, basically conceived of as an intimate, affective, elective, and reciprocal bond between two or more people. The requirement of intimacy or long acquaintance means that one's circle of personal friends was normally understood to be restricted to a relatively small group of people. Nevertheless, the idea of friendship or personal affection could be extended to include broader segments of the population, with a corresponding dilution of the intensity of the bond. An electioneering manual attributed to Cicero's brother Quintus explains that the word 'friends' extends more widely in campaigning than in life generally, for 'whoever displays any sign of favor towards you or attends to you or visits you at home is to be considered among the circle of your friends' (16; cf. Sen. *Ep.* 3.1). Aristotle too observes that '[t]hose who are friends to many [*poluphiloi*] and treat everyone in an intimate manner do not seem friends to anyone, except in the political sense [*politikôs*]; they also call them ingratiating [*areskoi*].

[1] See Millett 1989; Arnaoutoglou 1994.

Now, it is possible to be a friend to many in the political sense and not be ingratiating, but truly decent [*epieikês*]' (Arist. *Eth. Nic.* 1171a15–19).

How far might the circle of friendship be stretched? In theory, nothing prevents its being widened to embrace the entire civic body, in which case friendship may serve as a model or metaphor for the social bond as such (of course, nothing requires that this happen, either). A tendency in this direction is observable in the Athenian democracy—and the fact that Athens was a relatively egalitarian society favored, I suggest, this development. In a self-consciously hierarchical society like that of classical Rome, however, friendship is less likely to serve as an expression for solidarity among the entire population, because it is inhibited, as it were, from crossing the barrier between classes. In such societies, there may arise specific forms of vertical association, the example in this case being precisely patronage. This kind of relation is likely to exist in tension with friendship, with its implication of equality between friends: in Aristotle's jingle, 'amity is parity' (*philotês isotês*, Arist. *Eth. Nic.* 1157b36; 1159b2–3; cf. *Eth. Eud.* 1239a1–6; 1242a9–11). And this contrast or tension between friendship and patronage is indeed evident, I believe, in ancient Rome, and may have contributed—though as we shall see, it is not the only possible factor—to blocking the extension of friendship as an all-embracing social bond, despite the comment of Cicero that I cited at the beginning of this chapter. This is not to say that there cannot exist personal friendships between members of different social orders, in Rome or in other societies marked by sharp class divisions—even between slave and free; but it does mean that friendship is unlikely to be appropriated as the general term for the bond that unites the different fractions of society as a whole.

3. *Friendship versus patronage*

The reader should be alerted at this point that the account of friendship and patronage offered below is controversial, and many respected scholars take a different view. For example, I have described Greek and Roman friendship as an elective affective bond. By the first term, I mean that friendship was perceived as a matter of choice, or what anthropologists refer to as an achieved as opposed to an ascribed relation. One is not born into friendship, the way one has parents or siblings by virtue of one's status within a family; nor is friendship inherited. By the second

term I mean simply that friendship is predicated on affection or love, differing from love itself only in that love may be a one-way sentiment—I can love you without your loving me—whereas between friends affection is presumed to be mutual. Love, in turn, is an altruistic sentiment: one seeks the good of one's friend for that person's sake, and not in the expectation of a return.[2] Now, there continues to be considerable disagreement on this matter. Many scholars still treat ancient friendship as a matter of obligation, almost contractual in character and involving little or no personal feeling (indeed, some have maintained friendship was inherited).[3] This view owes something to the vogue for interpreting social relations in pre-modern societies in terms of reciprocity.[4] Undoubtedly, reciprocity is a useful concept for understanding various relations, such as the code governing benefactions and the gratitude that is due in return for such services, a topic that has been amply investigated. But it is not, I believe, the key to ancient friendship. On the contrary, friendship may be described as precisely the area of social life in which reciprocity ceased to operate—a sphere sealed off from the public ethic of exchange and governed rather by an ideal of generosity. Thus, Aristotle writes in his *Rhetoric* (1380b36–81a1): 'Let loving [*to philein*] be wishing for someone the things that he deems good, for the sake of that person and not oneself, and the accomplishment of these things to the best of one's ability.' And he adds (1381a1–3): 'A friend [*philos*] is one who loves [*ho philôn*: present participle] and is loved in return [*antiphiloumenos*]; those who believe that they are so disposed towards one another believe that they are friends [*philoi*]'. Aristotle's definition shares with modern conceptions of friendship an emphasis on good will and selflessness. So too Cicero observes that the Roman word for friendship (*amicitia*) derives from the verb *amare*, 'to love' (Cic. *Amic.* 26; cf. *Part. or.* 88 on *caritas* and *amor* as the constitutive elements of *amicitia*).

Patronage, for its part, did tend to operate on the pattern of *quid pro quo* in ancient Rome. Roman patronage was not the occasional sponsorship of gifted artists on the part of wealthy aristocrats with refined tastes, though this too existed, as in the case of Maecenas, who gave his name to this kind of support;[5] patronage in Rome was rather a general

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[2] For a detailed presentation of this view see Konstan 1997.

[3] The most vigorous defense of this interpretation is Herman 1987; see also Belfiore 2000.

[4] In general, see Seaford 1994; Gill, Postlethwaite, and Seaford 1998.

[5] See White 1993; Bowditch 2001.

structure of relations between noble families and their dependents, with some particularly distinguished houses having clients numbering in the thousands.[6] While the rules governing the duties of patron and client had relaxed considerably by the time of the late Republic and were no longer formally codified (if indeed they ever were), the tradition remained vigorous: in return for protection and handouts by the rich, the poor continued to perform various kinds of services, including voting for their patrons and even, at times, fighting on their behalf. This dissonance between the nature of patronage and that of friendship helped to keep them apart, and was one of the things that put a brake, I suggest, on the extension of the idea of friendship to include the tie between patrons and clients.

As I have said, objections have been raised to the above accounts. First, even those scholars who have allowed for a measure of love and altruism in ancient ideals of friendship, as well as in its practice, have protested that friendship entailed some types of obligation. To take one well-argued instance, Renata Raccanelli writes: 'Certainly, Konstan is right to observe that the common model of true friendship must grant major importance to sentiment … But it is nevertheless well not to ignore the role that notions of obligation, mutual exchange of gifts, and prestations also play within relations of friendship … The element of concrete and obligatory exchange seems inseparably bound up with friendship, which cannot be identified with the mere affective dimension of the relationship.'[7] Raccanelli cites several passages in comedy, for instance, in which friends expect assistance, and all the more if they have already done the other a good turn. So too, Gabriel Herman affirms that friendly favors 'generate a sense of obligation to reciprocate, often by returning a favour not merely equal to but more valuable than the favour received'.[8] This is true—but it is equally so of modern friendship. If someone fails to support you when you need it, he or she is hardly behaving like a friend, since friends, as Aristotle says, promote each other's welfare to the best of their ability. This is not exchange proper, but merely the expectation of loyal affection. As William Ian Miller notes: 'The official view is that gifts are free, that they are windfalls to receive and kindnesses to confer. They are contrasted with mercantile exchanges, in which everything is calculated and cash is

6 See Saller 1982; Wallace-Hadrill 1989.
7 Raccanelli 1998, 20.
8 Herman 2006, 36.

the only tie that binds.'[9] So, too, Annalise Acorn writes: 'North Americans think that to analyze relationships in terms of strict reciprocity is to insult the intrinsic value of the relationship. Each person is supposed to value the other for their friendship in and of itself and neither is supposed to be calculating the benefits of the relationship to himself or the other. Of course, this does not mean that North Americans do not calculate reciprocity of advantage and exchange in their relationships. It only means that they do not like to acknowledge the presence of these calculations.'[10] I would merely add that the word 'only' gives the wrong sense: friendship is not a repressed form of commerce, but a relation whose logic is distinct from the economy of exchange—or from that of patronage and benefaction in classical antiquity. If this is a paradox—and Jacques Derrida has made much of it[11]—it does not alter the fact that the love between friends is, and was, imagined as not subject to duty or coercion.

A second objection to the idea that friendship is a voluntary relationship based on affection focuses rather on the assumption that friends are equals. For many scholars hold that friendship in Rome was often merely a polite name for patronage, and hence was subject to all the constraints characteristic of the latter relation. If this is correct, then the contrast that I have been drawing between friendship and patronage as distinct systems—the one a horizontal relation, the other a vertical one—threatens to collapse, and along with it the hypothesis that, in a hierarchical society such as Rome, patronage will inhibit the spread of friendship to cover social bonds as a whole, including cross-class relationships.

Here again, I can only indicate very generally the reasons for rejecting an equation between the terminology of patronage and friendship in ancient Rome. The arguments in favor of their equivalence depend in part on Latin texts that speak of superior and inferior friends or parties

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[9] Miller 1993, 5.

[10] Acorn 2007, 8.

[11] See Derrida 1997, 128: 'For there to be a gift, there must be no reciprocity, return, exchange, counter-gift, or debt. If the other *gives* me *back* or *owes* me or has to give me back what I give him or her, there will not have been a gift'; this is the ground of 'the impossibility or double bind of the gift' (131). Cf. Bourdieu 1997, 231: 'The major characteristic of the experience of the gift is, without doubt, its ambiguity. On the one hand, it is experienced (or intended) as a refusal of self-interest and egoistic calculation, and an exaltation of generosity—a gratuitous, unrequited gift. On the other hand, it never entirely excludes awareness of the logic of exchange or even confession of the repressed impulses or, intermittently, the denunciation of another, denied, truth of generous exchange—its constraining and costly character.'

to a friendship, and on indications that individuals who were clearly of different social standing nevertheless claimed to be friends. Thus, in a volume entitled *Aspects of Friendship in the Graeco-Roman World*, the editor, Michael Peachin, observes that 'D. Konstan has recently argued against the majority opinion and has tried to inject more (modern-style?) emotion into ancient *amicitia*. Various articles presented below, on the other hand, point us back to a heavily formalized, even legalized, bond between friends.'[12] Peachin notes that 'it is difficult to imagine a world utterly devoid of what we would call truly friendly relationships', and allows that there were, among the Greeks and Romans, bonds that 'we would readily recognize as proper friendships'; but he adds that ties typically identified as *amicitia* or *philia* would not seem 'particularly friendly' to us.[13] Once more, I note that today too we sometimes label as friends persons with whom we are not particularly intimate, for example when we wish to boast of our social contacts; we may even seek to gain something from identifying such connections as friendship, but this does not mean that friendship, as understood today, is a polite name for business or political acquaintances.

In the first chapter following Peachin's introduction, Silvio Panciera notes that honorary dedications to friends found in Rome and its environs, which amount to a mere nine or ten in all, are quite scarce in comparison with the great number of inscriptions honoring senators and knights.[14] Panciera concludes that these friendships are not 'born of reciprocal affection', but reflect rather 'a relation of dependency in which there is a superior *amicus* who assumes the role of patron and an inferior *amicus* who occupies the position of protected party', entailing mutual obligations 'in terms of *beneficia* and *officia*'.[15] But why, then, are mentions of *amicus* so rare? Might we not rather infer that, in the exceptional cases where a dedicator specified a relationship of *amicitia*, there existed precisely a more personal tie? I do not deny that members of different classes, even those who stood in a relation of patron and client, could be friends in Rome. But if they were, they had managed to overcome a social barrier and establish a genuine parity between themselves, insofar as their personal affection and respect were concerned. This does not mean that they ceased to respect the difference of status where

[12] Peachin 2001, 7.
[13] Peachin 2001, 10.
[14] Panciera 2001, 14.
[15] Panciera 2001, 16.

status counted: in this sense, the relationship was constituted of an inferior and a superior friend. But the name of friendship, I claim, signified that dimension of the relation which was free, generous, and affectionate. To glance momentarily at Athenian conceptions, I take Aristotle to have been referring to something of this kind when he remarks that one cannot have *philia* towards a slave insofar as he is a slave, but one can insofar as he is a human being (Arist. *Eth. Nic.* 1161b1–6). It is worth noting that the vast majority of dedicatory inscriptions discussed by other contributors to the volume edited by Peachin are to all appearances between people who are of equal social rank.[16]

4. *Friendship and class relations*

If we accept, even provisionally, that friendship was understood in ancient Greece and Rome as a bond based on mutual affection, and that the Roman institution of patronage differed from friendship in that it was a quasi-formal relationship involving a non-symmetrical exchange of services across class lines (though the two relations might, in special circumstances, coexist), it remains to show that the language of friendship was more readily extended to embrace civic solidarity generally in Athens, where a well-defined system of patronage was lacking (even if the Athenian democracy was shot through with class tensions), than in Rome, where such a transfer was, or at least may have been, hindered by a hierarchical ideology that included a system of patronage. Plato, to begin with, states that 'there is an element of friendship in the community of race, and language, and laws' (*Leg.* 708c2–3; tr. Jowett). When Socrates inquires of Alcibiades, in the dialogue named for him, what must be present if a city is to become better, Alcibiades replies: *philia*; and when Socrates follows up by asking whether *philia* is concord (*homonoia*) or discord, Alcibiades is quick to answer: 'concord'.[17] In the *Clitopho* (409e3–8), which, like the *Alcibiades*, is not securely attributed to Plato but certainly comes from his school, there is introduced a proviso with respect to concord that is, as we shall see, significant for the present argument: 'Real and true *philia* is very plainly concord. But when he [a companion of Socrates, interrogated by

[16] For fuller discussion of this and other chapters in the volume edited by Peachin see Konstan 2002.

[17] Pl. *Alc. I* 126b8–c5; cf. also *Politicus* 311b–c, *Resp.* 351d.

Clitopho] was asked whether he would say that concord is shared opinion [*homodoxia*] or rather knowledge, he disparaged shared opinion, since there necessarily arise many harmful shared opinions among people, but he maintained that *philia* is invariably a good thing and a product of justice.'

Shortly after the passage from the *Nicomachean Ethics* (1155a22–25) cited at the beginning of this chapter, Aristotle comments: 'it appears that *philia* binds cities together, and that lawgivers care more about that than they do about justice; for concord seems to be something similar to *philia*'.[18] A little later (1167a22–b13), Aristotle affirms: 'Concord seems to be something friendly [*philikon*].' He adds at once, however, that concord is not shared opinion as such, since people can hold the same view about the stars, for example, without any friendly feeling arising between them; rather, concord has to do with practical affairs in civic life. Nor is concord a matter of people thinking exactly the same thing: for, Aristotle points out, both the masses and the aristocracy can and should agree that the better sort ought to rule: in this example, the masses think that *others* should rule, whereas their betters think that *they* should. Indeed, people of the baser sort, according to Aristotle, are unable to think alike, except for a short while. In the *Eudemian Ethics* (1241a32–33) Aristotle affirms categorically that 'concord is civic [*politikê*] friendship', and he again stresses that concord involves like-mindedness about practical affairs concerning the community. But he adds that concord, like *philia*, has two senses: strictly speaking, base people cannot be in agreement about what is good, but more loosely the term is applied when people simply desire the same thing. If they cannot both have it, then they quarrel; with true concord, there would be consensus about who is to rule and who is to be ruled, and so no dissension can arise (cf. also Arist. *Mag. mor.* 2.12.11–13).

It is possible to detect some squirming here. On the one hand, concord among citizens is likened to or identified with friendship or affection, and unites entire cities; on the other hand, it is, like true *philia*, said to be characteristic specifically of good or decent people (*aristoi*, *epieikeis*). What is more, only the latter are fit to rule, and concord in the community

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[18] See Coleman 2008, 113: 'For Aristotle ... politics begins with the prior assumption of reciprocal friendship so that *political* justice, not injustice, is a narrower specification'; also 2008, 131: 'This [i.e., Aristotle's] reciprocal friendship and common like-mindedness is a passionate attachment to those with whom we engage in various ways in all of our reciprocities.'

as a whole depends on agreement on this point too. The distinction between rulers and ruled is a moral one, but with clear overtones of class. Plato and Aristotle evidently wish to present civic harmony as a function of friendship or affection among all citizens, irrespective of status, while at the same time restricting true friendship and concord to the better sort, ideally with the willing consent of the baser classes as well. It is an awkward compromise, and reflects, I expect, the struggles over the nature of democracy in the city-states of the fourth century BCE.[19]

In Rome as in Greece, the word for friendship was employed for alliances between states, somewhat like the English expression 'friendly power'. The term *societas* too is often so used,[20] but it may also refer more generally to the bond by which a polity is constituted. Thus Cicero, in his *De republica* (1.42), remarks that, although no unmixed constitution, whether monarchy, aristocracy, or democracy, is perfect, it is nevertheless acceptable 'if it has that bond which originally bound people in the association of a Republic' (*illud vinclum, quod primum homines inter se rei publicae societate devinxit*). In *De finibus*, Cicero affirms that there is nothing so fine as (Cic. *Fin.* 5.65)

> the union of people with each other, a kind of association, as it were, and exchange of benefits, and the very love of the human race
>
> coniunctio inter homines hominum et quasi quaedam societas et communicatio utilitatum et ipsa caritas generis humani.

And in the *De legibus* (1.15), Cicero identifies the 'bond among human beings' (*coniunctio hominum*) with 'the natural sociability among them' (*naturalis societas inter ipsos*). A little later in the same work, he provides an illuminating analogy between *societas* and *amicitia* (Cic. *Leg.* 1.49):

> Where is that sacred friendship, if a friend is not loved with all one's heart, and for himself, as they say . . . ? But if friendship is to be cultivated for its own sake, then *societas* among people and equality and justice are also to be sought for their own sakes.

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[19] I have concentrated on philosophical discussions, where the evidence for *philia* as a name for the civic bond as such is most abundant; outside of philosophical texts, however, the evidence is rather scant, though Demosthenes links *homonoia* and *philia* in *De corona* (Dem. 18.246; cf. also sec. 28). General reflections on civic solidarity are not the stuff of political or forensic speeches, of course, but the dearth of references to *philia* is noteworthy.

[20] For *societas* paired with *amicitia* in this sense cf. e.g. Livy 7.29.3, 7.31.2, etc.; Tac. *Hist.* 4.64.

Here, *amicitia* or friendship is understood as a relationship among individuals, whereas *societas* is a civic tie. So too Seneca affirms that (Sen. *Ep.* 48.3)

> this *societas* which is carefully and reverently preserved, and which unites us human beings with each other ... also contributes greatly to the cultivation of that inner sociability of friendship of which I was speaking: for he who holds everything in common with a friend will hold much in common with mankind.

The term *societas* thus seems to do duty for the social bond that Plato and Aristotle identified as *philia*, 'love' or 'friendship'. Though the Latin abstract noun occurs in the second century BCE in a tragedy by Ennius (quoted by Cicero, *De officiis* 1.26) and in a speech by Cato (*Against Minucius Thermus*, quoted in Aulus Gellius 10.3.17), it comes into its own with Cicero (almost 300 occurrences).[21] Although Cicero connects the idea with fondness or *caritas*, *societas* lacks the personal intimacy associated with friendship. Thus, in *Partitiones oratoriae* (88), Cicero explains that *amicitia* is divided into two subspecies, dearness (*caritas*) and love (*amor*): we say that the gods, parents, country are dear to us, whereas we speak rather of love in reference to our spouses, children, siblings, and intimates—that is, friends.[22] To speak of the bond between fellow citizens as *amor* or even *caritas* evidently struck Cicero as peculiar or anomalous. He might resort to *amicitia* in a broadly philosophical context, as in the passage cited at the beginning of this chapter, where its use is clearly influenced by the Greek *philia*; but in his political works he preferred such terms as *societas* or *coniunctio* to describe that sociability of mankind which is the basis of civic life.

The Latin term that comes closest to the Greek *homonoia*, which Plato and Aristotle defined as 'political love' or 'friendship', is *concordia*, again a special favorite of Cicero's (over a hundred occurrences). He employs the word in reference to the harmony of the citizen body as a whole (*concordia civium*: e.g. Cic. *Phil.* 10.8, *Fat.* 2.6), as well as to the special concord or consensus between classes, the *concordia ordinum* to which Cicero appealed during the crisis of the Catilinarian conspiracy (*Cat.* 2.19; cf. *Fam.* 3.1.3), and which Livy saw as the basis of Rome's social

[21] There are over 200 occurrences in Livy, who, however, employs it chiefly in the sense of 'alliance'; over 300 occurrences in the jurists, where it mainly refers to economic associations or corporations.

[22] But for *caritas* as the more general term cf. *De finibus* 3.73: 'to maintain friendships and the other kinds of dearness' (*ad tuendas amicitias et reliquas caritates*).

solidarity. In this usage, *concordia* represents a vertical relationship: to speak of *amicitia* between the orders would have sounded, I suspect, like an alliance between foreign powers. At all events *amicitia* remained, for Cicero, marginal to the civic relations designated by *societas* and *concordia*, and referred principally to the bond between personal friends.

I have suggested that the extension of friendship to denote wider social relations might have been hindered in Rome just because of the highly stratified character of Roman society, as opposed to the more egalitarian nature of the Athenian democracy. Plato and Aristotle too sought, as we have seen, to restrict *philia* to the better class of citizens, or what Cicero would call the *boni*, but at the same time were obliged to recognize a broader usage, according to which the concord of all fellow citizens might be described as a kind of love or friendship. Cicero did not have to wrestle with the ambiguity of the term *amicitia* (Greek *philia* designated both 'love' and 'friendship'), but we may be able to perceive an analogous political dimension to his view of friendship. Here, I am entering highly speculative territory, and these concluding remarks are offered in a heuristic spirit, to invite further argument and comparative evidence from other social systems.

There are some indications that friendship was endowed with a special value among the elites in Greece of the archaic and classical periods, as well as in Rome of the second and first centuries BCE. In Greece, participants in symposia—an upper-class custom at least in the archaic period—celebrated the *philia* that obtained among them, and close friends could serve as a claque or group of supporters to people seeking political power. One of the lyric drinking songs or *skolia* that were typically sung at Athenian symposia runs (*PMG* 908):

> He who does not betray a man who is his friend [*andra philon*] has great honor among mortals and gods, in my judgment;

another reads (*PMG* 889):

> If only it were possible to know without being deceived about each man who is a friend [*andra philon*] what he is like, cutting open his chest, looking into his heart, and locking it up again.[23]

One notes a hint of social dissension and treachery, which would seem to reflect a tension between personal affection and political loyalties. If *philia* was a watchword of the old aristocracy, then it is possible that partisans of the democracy in the fifth century BCE appropriated the term to

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[23] Cited from Page 1962.

denote a more universal solidarity, thereby both imitating the style of the upper class and simultaneously neutralizing the potentially subversive implications of private friendships among the elite. The tendency of popular Greek literature, such as drama, under the democracy to avoid representing the betrayal of friends—the theme is wholly absent in tragedy, for example—may provide negative confirmation of a revaluation of friendship that bypassed elite anxieties.[24] Aristotle's complex treatment of civic *philia* would then be a kind of compromise formation between the ideological values of the nobler and baser strata of the citizen body.[25]

In the case of Rome, Cicero perceived private loyalties between friends to be potentially in conflict with service to the state. Thus he remarks that one of the causes of a rupture among friends is a 'disagreement over sides [*partes*] in respect to the Republic' (Cic. *Amic.* 21.77). Cicero denies, moreover, that fidelity to friends can ever justify rebellion against the commonwealth. Laelius, Cicero's spokesman in the dialogue, brings up the alleged statement of the Stoic, Gaius Blossius Cumanus, that he would have been willing to set the Capitol on fire had his friend Tiberius Gracchus asked him to; Laelius affirms: 'it does not excuse a crime that you committed it for the sake of a friend' (Cic. *Amic.* 11.37).[26] By contrast, there is no comparable discussion of a possible conflict between friendship and civic loyalties in Aristotle's detailed treatment of *philia* in his ethical treatises. Such anxieties over the political consequences of private

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[24] For the avoidance of representation of conflict among friends in the democracy see Konstan 2009.

[25] Zelnick-Abramovitz 2000, 68 suggests that Aristotle's account of unequal *philia* may have 'led scholars to define it as patronage'. Citing [Arist.] *Ath. Pol.* 27.3 on jury pay, etc., she notes further (2000, 76) that the 'penetration of *philia*'s set of rules and vocabulary into politics and public life was not new; it had probably also characterized Athens in former centuries, to judge from e.g. Herodotus' and Aristotle's use of its vocabulary in dealing with Isagoras and Cleisthenes (Hdt., 5.70; Arist., *Ath.* 20.3). Democracy neither eliminated nor superseded it by creating a new vocabulary and alternative ways, but rather harnessed it to its purposes and ideology.' Zelnick-Abramovitz (2000, 79) concludes that unequal *philia* has some things in common with patronage as usually defined, but as opposed to the Roman model it was seen as temporary, obligations attaching to it were not formalized by law, and 'the Greeks did not have a distinctive vocabulary to describe these relations'.

[26] It may be worth noting a letter said to be addressed by Cornelia to her son Gaius Gracchus, cited in Cornelius Nepos' *On Latin Historians*, in which she affirms that one must not pursue vengeance against one's enemies if it will cause harm to one's country (text and tr. in Rolfe 1984, fr. 1.1, p. 326). The theme of a tension between private friendships and enmities and loyalty to one's land was current in Cicero's time, and conceivably (if this letter preserves anything original in Cornelia's letter) emerged at the time of the Gracchi. For the letter see the chapter by Hallett in this volume.

friendships may be another reason why Cicero and his contemporaries hesitated to treat *amicitia* as the fundamental bond among fellow citizens: better to insist on friendship as a purely private relationship, lest it seem to justify political factionalism. Both Aristotle and Cicero may thus be seen taking a politically motivated stance on the question of civic friendship, reflecting tensions in the current ideology.

There may be, finally, one further reason—a purely linguistic explanation and so perhaps rather a boring one—why *philia* could be extended, at least by philosophers, to include the solidarity of the entire polity, whereas *amicitia* was largely restricted to the idea of personal friendship (apart from the case of international alliances noted above). As I have mentioned, the term *philia* had a broad range of meanings, covering all kinds of love, among others the affection between friends. There is no word in Greek that singles out friendship in particular, the way *amicitia* does in Latin.[27] The very generality of *philia*, then, may have allowed for a certain plasticity, and its application to political friendliness or concord may have been relatively easy. The narrower sense of *amicitia* in Latin may, like 'friendship' in English, have inhibited a comparable expansion of its meaning, whereas such terms as *amor* and *caritas*, in turn, were felt to be laden with too strong an emotional charge to represent social concord.

5. *Conclusion*

The presence or absence of strongly marked vertical relations such as Roman patronage in a given society may be relevant to understanding how friendship is conceived. Although patrons and clients at Rome might sometimes become true friends, and in this respect moral equals, there was a resistance, I have suggested, to collapsing the two categories, and hence to extending the sense of friendship so as to represent social solidarity as a whole. If friendship is perceived, moreover, as a specifically aristocratic value, this too may prevent the enlargement of its meaning, unless a shift in power allows for its appropriation by the people at large, as may have occurred in Athens under the democracy. Extra-political linguistic factors may also play a role in determining the range of connotations of terms such as *philia* and *amicitia*. The story will

[27] See Konstan 1996.

inevitably be complicated, and difficult to recover. But the language of social relations does not evolve in a vacuum,[28] and it is likely that dynamic political processes helped to shape the multiple senses of friendship and the purposes to which they might be put.[29]

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28 Ideally, one should take account of the entire set of social relations in studying any one component, for example family bonds. Thus brotherhood, for example, may signify membership in the same religion, as was the case in early Christianity, as well as other types of solidarity, such as trade unions and even racial or national identity. Nevertheless, one may mark off certain relations—in this case, patronage and friendship—for the purpose of analysis, holding others temporarily constant.

29 An earlier version of this talk was presented in January 2008 at the DFG-Graduiertenkolleg on Friendship and Patronage at Freiburg Universität; I am grateful to members of the audience there, and at the Penn-Leiden conference, for helpful comments. I wish to thank also Stavroula Kiritsi, and the anonymous referee, for their useful suggestions.

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CHAPTER ELEVEN

PRICING THE INVALUABLE: SOCRATES AND THE VALUE OF FRIENDSHIP

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> Nowadays people know the price of everything and the value of nothing.
>
> Oscar Wilde, *The Picture of Dorian Gray*, Chapter IV

1. *Meanings of exchange*

The way people value the things they exchange with one another can tell us much about the way they value their fellow humans. Underneath the overt economy of visible exchanges lies a moral economy in which people constantly revaluate each other, negotiate expectations and loyalties towards one another, and redefine their relationships.

As in many societies, in classical Athens too long-term bonds between persons are predominantly conceived in terms of reciprocity.[1] Events such as the return of favors, the exchange of benefits, care, and attention, and the mutual sharing of goods serve to create lasting ties of generosity and gratitude. However, such a conceptualization potentially yields a fundamental problem at the level of social communication. In many cultural environments, multiple forms of reciprocal exchange[2] coexist, ranging from gift-exchange and sharing to barter and market transaction—which

[1] Cf. Goldhill 1986, 79–107; Herman 1987, Introduction; Blundell 1989, Introduction; Millett 1991, 109–126, 218ff.; Konstan 1997, 53–92 and 1998; Foxhall 1998.

[2] I use the term 'reciprocal exchange' to cover all types of exchange that involve mutuality. I am aware of the vast amount of distinctions (e.g. Sahlins three-way typology of 'generalized', 'balanced', and 'negative' reciprocity) drawn in anthropological and sociological literature; however, introducing them here would be begging the question in a chapter that seeks to establish distinctions between types of reciprocal exchange conceptually relevant in classical Athens.

means that reciprocity ceases to be a uniquely defining feature of long-term bonds. If not *all* mutual exchanges automatically constitute long-term relationships, we may wonder how participants in the cultural field are capable of distinguishing those instances of reciprocal exchange that do involve long-term expectations from those that do not.

In everyday practice this simultaneous availability of different forms of exchange rarely gives rise to serious misunderstandings, because different types of exchange are unambiguously demarcated from each other by means of a social script: under normal circumstances, there is a reasonable amount of agreement as to the expectations aroused by exchange acts and a shared understanding of the relationship based on such events. Nevertheless, reciprocal exchanges *are* ambivalent: one and the same event (say: a bicycle changing hands) can be characterized in a number of different manners, depending on the script in which the event occurs. Within Western capitalistic societies, the transaction of a bicycle from person A to person B may very well be part of:

(i) a sale or a swap: an instantaneous transaction of goods of equivalent value, resulting in a short-lived relationship immediately to be dissolved; e.g. dealer A sells a bicycle for a fixed price to customer B whom he does not know personally and whom he will, possibly, never meet again;

(ii) a contractual loan: a legally enforceable exchange over a longer time span, implying a long-term relationship between lender A and debtor B; A is *renting* his bike for a fixed, agreed upon, price a day to B: the bicycle still remains A's property and there are ways for him to secure payment or to impose sanctions should B be negligent in paying;

(iii) a friendly loan: a not legally enforceable exchange, implying a long-term relationship based on a certain amount of trust and benevolence; A is *lending* his bike to a friend B for an indeterminate period of time: the bicycle still remains A's property, but he does not expect payment or interest; he does trust his friend to reciprocate his kindness whenever he is in need;

(iv) a gift: a voluntary exchange of generosities, over a longer time span, implying a long-term relationship involving gratitude instead of debt and gratification instead of discharging; A is *giving* a bike to a friend B; the bike is not his anymore, A definitely does not expect any payment, rent or interest; but he does expect B to reciprocate his generosity should occasion arise.

From a material point of view, the events (i) to (iv) are identical: all four of them involve the same object and the same persons. From a social point of view however, these events are distinct giving rise to distinct expectations,[3] depending on their exchange context[4] and the alternative forms of exchange that are culturally available. This has interesting implications: the difference between a gift and a loan, for instance, is not objectively given, for we are still talking about the same bicycle changing hands from the same person A to the same person B; it is a matter of construction, a process that is typically presented as self-evident, but that does allow space for multiple interpretation of the same exchange, and may, consequently, yield conflicting understandings of the relationships based on such events. Will we ever meet the other again? And if so, are we expected to return the bike, to pay money for it, or to display gratitude, and what exactly is the difference? It is in this realm of meaning and interpretation where culture and ideology enter,[5] (i.e. discursive strategies that construct meaning and shape expectations) and where we may find a notion of what it means to 'value the other'—especially in societies where the boundaries between different types of exchange are not fixed yet and are still to a large extent negotiable, as was the case in classical Athens.

In this chapter it will be demonstrated how Xenophon's *Memorabilia* dramatizes such ambivalence in common ways of understanding exchange. The same event, i.e. Socratic conversation, is liable to conflicting interpretations, depending on the moral world-view of the interpreter: it can be framed as commercial education *and* as an act of benefaction within the dynamics of friendship. Socrates turns out to be very keen on controlling the boundaries between different forms of exchange (section 2), displaying an acute awareness of the ethical implications of

[3] To give an example, the first two exchanges may be labeled 'discrete', in the sense that the primary and immediate purpose of the transaction is to obtain the counterpart value; in contrast, exchanges (iii) and (iv) are 'partial', in the sense that they can only be understood in the context of the 'entire transaction', i.e. the long-term chain of favors and obligations, containing reference to the relationship between partners A and B. The terminology of 'discrete' and 'partial' transactions is taken from Kopytoff 1986, 69.

[4] Cf. Appadurai 1986, 3–16, for the argument that the distinction between gift and commodity lies in a distinction in modes of exchange. This model allows for the same thing to be both gift and commodity, its meaning shifting with the ideology attached to the situation of exchange. For a similar point see Kopytoff 1986, 64.

[5] Kopytoff 1986, 64: 'Such shifts and differences in whether and when a thing is a commodity reveal a moral economy that stands behind the objective economy of visible transactions.'

framing knowledge and virtue in the paradigm of commerce. However, in his conversations on φιλία elsewhere in the *Memorabilia*, the discourse of commerce, tightly governed by clear rules and expectations, presents, in the end, a suitable didactic paradigm for describing the otherwise more fuzzy mechanisms of friendly exchange (section 3). To demonstrate how Socrates' account of φιλία is still consistent, Socrates' use of commercial terminology will be subjected to further scrutiny (section 4). We will find that the ideological issue at stake is not so much an egoism / altruism opposition, but rather a propagation of long-term investments at the expense of short-term gratification (section 5).

2. *Framing Socratic conversation: Socrates versus Antiphon*

One example of Xenophon staging conflicting interpretations of the same exchange event is his report of an encounter between Socrates and Antiphon the sophist. In this conversation, the topic of charging fees for lessons in wisdom effectively dramatizes two conflicting moral worldviews. Antiphon opens the conversation with disqualifying Socrates' refusal of fees as irrational behavior (Xen. *Mem.* 1.6.11–12):

> On another occasion, when Antiphon was talking to Socrates, he said, 'You know, Socrates, I think that you are an honest man, but not at all a wise one. And it seems to me that you realize this yourself; at any rate, you don't charge anyone for your company. But if you thought that your cloak or your house or any other item of your property was worth money, so far from giving it away, you wouldn't even accept a price lower than its value. So obviously, if you thought that your company was worth anything, you would charge a fee for it no less than its value. Therefore, honest you may be, since you don't deceive with a view to your own advantage; but wise you cannot be, if your knowledge is worthless.'
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> πάλιν δέ ποτε ὁ Ἀντιφῶν διαλεγόμενος τῷ Σωκράτει εἶπεν· ὦ Σώκρατες, ἐγώ τοί σε δίκαιον μὲν νομίζω, <u>σοφὸν</u> δὲ οὐδ' ὁπωστιοῦν· δοκεῖς δέ μοι καὶ αὐτὸς τοῦτο γιγνώσκειν· <u>οὐδένα</u> γοῦν <u>τῆς συνουσίας ἀργύριον πράττῃ</u>. καίτοι τό γε ἱμάτιον ἢ τὴν οἰκίαν ἢ ἄλλο <u>τι ὧν κέκτησαι νομίζων ἀργυρίου ἄξιον</u> εἶναι οὐδενὶ ἂν μὴ ὅτι <u>προῖκα δοίης</u>, ἀλλ' οὐδ' ἔλαττον τῆς ἀξίας λαβών. δῆλον δὴ ὅτι εἰ καὶ τὴν συνουσίαν ᾤου <u>τινὸς ἀξίαν εἶναι</u>, καὶ ταύτης ἂν οὐκ ἔλαττον τῆς <u>ἀξίας ἀργύριον ἐπράττου</u>. δίκαιος μὲν οὖν ἂν εἴης, ὅτι οὐκ ἐξαπατᾷς ἐπὶ <u>πλεονεξίᾳ</u>, <u>σοφὸς</u> δὲ οὐκ ἄν, <u>μηδενός γε ἄξια</u> ἐπιστάμενος.[6]

[6] Tr. Tredennick and Waterfield 1990 unless otherwise indicated.

Antiphon interprets Socrates' refusal of accepting fees as giving away commodities for free, indicating the seller's own low valuation of the goods he supplies:[7] after all, not charging a fee is tantamount to pricing the goods on offer (in this case Socratic conversation) as worthless—that is: if and only if one accepts Antiphon's framing of the exchange in question. For in his dismissal of Socrates' conduct, Antiphon is clearly applying the paradigm of commerce on Socratic practice, a paradigm evoked in Antiphon's use of commercial language:

(i) his value monism: in Antiphon's world-view, there is only one single standard of value to which everything can be reduced; the value of Socratic conversation can and should be expressed in terms of monetary currency;[8]
(ii) his commodification[9] of education: Socrates' company is characterized as a possession, something one acquires (τι ὧν κέκτησαι), comparable to a cloak or a house; moreover, the very saleability of wisdom and virtue presupposed by Antiphon serves as an indicator of commodity status;[10]
(iii) his easy assumption that *not* charging a fee is tantamount to giving away services for free.

It is from this commercial point of view that Socrates is said to lack σοφία—which yields a very particular understanding of σοφία as some kind of mercantile cleverness.

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[7] Pl. *Soph.* 234a may be read as Plato's answer to a similar sophistic challenge. Socrates points out to Theaetetus that the sophists are selling great things (knowledge of everything) for comparatively low fees. Xenophon and Plato effectively apply the same strategy in disqualifying the sophistic practice of charging fees for lessons in wisdom: they both attempt to immunize virtue and wisdom against commodification, either by showing the moral consequences (Xenophon) or by revealing the logical absurdities inherent in the commodification of wisdom (Plato).

[8] I use the term 'value monism' to refer to ethical systems which recognize only one thing as having value in itself and which, consequently, contend that the good is fundamentally unitary. Other entities only have value by virtue of their reference to this single measure of value. E.g. utilitarianism only recognizes happiness as intrinsically valuable; other 'goods' in our lives are only good in as far as they contribute to happiness. Cf. Craig 1998; Anderson 1993, 117 ff.

[9] Commodities are commonly defined as entities that have use value and that can be exchanged in a discrete transaction for a counterpart that has, in the immediate context, an equivalent value. Cf. Kopytoff 1986, 68.

[10] Cf. Kopytoff 1986, 69: 'in the West, as a matter of cultural shorthand, we usually take saleability to be the unmistakable indicator of commodity status, while non-saleability imparts to a thing a special aura of apartness from the mundane and the common'.

The term συνουσία (company, intercourse), with its obvious sexual connotations, paves the way for Socrates' reaction (Xen. *Mem.* 1.6.13–14):

> To this Socrates replied, 'In our society, Antiphon, the same rules with regard to what is creditable and what is not are thought to apply equally to the disposal of physical attractions and of wisdom. A man who sells his favors for a price to anyone who wants them is called a catamite; but if anyone forms a love-attachment with someone whom he knows to be truly good, we regard him as perfectly respectable. In just the same way, those who sell wisdom at a price to anyone who wants it are called sophists; but if anyone, by imparting any edifying knowledge that he possesses, makes a friend of one whom he knows to be naturally gifted, we consider that he is behaving as a truly good citizen should behave. As for myself, Antiphon, I take as much pleasure in good friends as other people take in a good horse or dog or bird—in fact, I take more; and if I have anything good to teach them, I teach it, and I introduce them to any others from whom I think they will get help in the quest for goodness. And in company with my friends, I open and read from beginning to end the books in which the wise men of past times have written down and bequeathed to us their treasures; and when we see anything good, we take it for ourselves; and we regard our mutual friendship as great gain.'
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> ὁ δὲ Σωκράτης πρὸς ταῦτα εἶπεν· ὦ Ἀντιφῶν, παρ' ἡμῖν νομίζεται τὴν ὥραν καὶ τὴν σοφίαν ὁμοίως μὲν καλόν, ὁμοίως δὲ αἰσχρὸν διατίθεσθαι εἶναι. τήν τε γὰρ ὥραν ἐὰν μέν τις ἀργυρίου πωλῇ τῷ βουλομένῳ, πόρνον αὐτὸν ἀποκαλοῦσιν, ἐὰν δέ τις, ὃν ἂν γνῷ καλόν τε κἀγαθὸν ἐραστὴν ὄντα, τοῦτον φίλον ἑαυτῷ ποιῆται, σώφρονα νομίζομεν· καὶ τὴν σοφίαν ὡσαύτως τοὺς μὲν ἀργυρίου τῷ βουλομένῳ πωλοῦντας σοφιστὰς ἀποκαλοῦσιν, ὅστις δὲ ὃν ἂν γνῷ εὐφυᾶ ὄντα διδάσκων ὅ τι ἂν ἔχῃ ἀγαθὸν φίλον ποιεῖται, τοῦτον νομίζομεν, ἃ τῷ καλῷ κἀγαθῷ πολίτῃ προσήκει, ταῦτα ποιεῖν. ἐγὼ δ' οὖν καὶ αὐτός, ὦ Ἀντιφῶν, ὥσπερ ἄλλος τις ἢ ἵππῳ ἀγαθῷ ἢ κυνὶ ἢ ὄρνιθι ἥδεται, οὕτω καὶ ἔτι μᾶλλον ἥδομαι φίλοις ἀγαθοῖς, καὶ ἐάν τι ἔχω ἀγαθόν, διδάσκω, καὶ ἄλλοις συνίστημι παρ' ὧν ἂν ἡγῶμαι ὠφελήσεσθαί τι αὐτοὺς εἰς ἀρετήν· καὶ τοὺς θησαυροὺς τῶν πάλαι σοφῶν ἀνδρῶν, οὓς ἐκεῖνοι κατέλιπον ἐν βιβλίοις γράψαντες, ἀνελίττων κοινῇ σὺν τοῖς φίλοις διέρχομαι, καὶ ἄν τι ὁρῶμεν ἀγαθὸν ἐκλεγόμεθα· καὶ μέγα νομίζομεν κέρδος, ἐὰν ἀλλήλοις φίλοι γιγνώμεθα.

Socrates points out that Antiphon's commercial discourse is not the right framework for interpreting his conversations with friends, which means that Socrates' conception of σοφία deviates from the outset from Antiphons mercantile cleverness. Antiphon's commercial discourse is contrasted with an alternative understanding of Socratic practice, by means of an analogy with physical beauty and its exploitation. According to Socrates' analogy, there are two ways of dealing with beauty and wisdom:

(i) The shameful way, meaning 'the commercial way', i.e. selling it irrespectively to anybody interested (τῷ βουλομένῳ), thereby rendering oneself a prostitute (πόρνος) in case of beauty and a sophist in case of wisdom;[11]

(ii) The right way, meaning, in the case of beauty: acquiring a reputation for self-restraint by bestowing this beauty on a gentleman-lover and making him one's friend; in the case of wisdom: befriending someone selected on the basis of his moral qualities by teaching him all the good one can, thereby acquiring the reputation of a gentleman-citizen.

By analogy with the ideologically loaded opposition between prostitution and the ἐραστής–ἐρώμενος relationship,[12] Socrates constructs an opposition between Socratic practice, modeled as φιλία, and the discourse of commerce inherent in sophistic mercantilism. The analogy effectively opposes erotic and didactic transactions on a commercial basis to the type of erotic and didactic exchange embedded in a long-term relationship. This long-term relationship is in turn characterized in terms of *sharing*: whenever Socrates has something good to teach his friends, he does so; and when he expects others to get moral benefit from it, he recommends his friends to them too. Socratic 'teaching' turns out to be: reading collectively (κοινῇ), exploring the treasures (τοὺς θησαυρούς)[13] of the wise men of old, and extracting the good things out of them.[14]

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[11] Xenophon is obviously drawing on the etymological derivation of πόρνος / πόρνη from πέρνημι, to sell. Cf. Chantraine 1977.

[12] In classical Athens this opposition between a πόρνος and an ἐρώμενος was not only ideologically loaded, but also one subject to linguistic framing and discursive negotiation. E.g. Aeschin. *In Tim.*, Lys. 3. Cf. Fisher 2001, 36–52; Davidson 2007, 38 ff. This opposition runs along the same ideological dividing line as the πόρνη–ἑταίρα distinction. Cf. Kurke 1997; Davidson 1997.

[13] Although the use of θησαυρός for treasuries of metaphorical, non-material, 'wealth' such as wisdom and learning is quite common in Attic literature (e.g. Soph. *Ant.* 30, Pl. *Phlb.* 15e), in this context the term also underscores Socrates' attempt to *redefine* wealth, making wisdom, not money, the *real* treasure. Further on in the *Memorabilia* (Xen. *Mem.* 4.2.9), this line of thought is made explicit: 'By Hera,' retorted Socrates, 'I do admire you for valuing the treasures of wisdom above gold and silver. For you are evidently of opinion that, while gold and silver cannot make men better, the thoughts of the wise enrich their possessors with virtue' (νὴ τὴν Ἥραν, ἔφη ὁ Σωκράτης, ἄγαμαί γέ σου, διότι οὐκ ἀργυρίου καὶ χρυσίου προείλου θησαυροὺς κεκτῆσθαι μᾶλλον ἢ σοφίας· δῆλον γὰρ ὅτι νομίζεις ἀργύριον καὶ χρυσίον οὐδὲν βελτίους ποεῖν τοὺς ἀνθρώπους, τὰς δὲ τῶν σοφῶν ἀνδρῶν γνώμας ἀρετῇ πλουτίζειν τοὺς κεκτημένους).

[14] In the last sentence of the quoted text (καὶ μέγα νομίζομεν κέρδος, ἐὰν ἀλλήλοις φίλοι γιγνώμεθα) Socrates' application of the term κέρδος on a process of joint realization, yielding benefit to both parties, is deliberately paradoxical. Κέρδος, 'gain', should not

Here we see Socrates dismissing Antiphon's commercial framework by contrasting it with an alternative model along a series of oppositions:

(i) First, Socrates brings in the element of selection:[15] selling means delivering to anyone, whereas within the friendship model one elects the receiver on the basis of his moral qualities;

(ii) Secondly, in contrast to Antiphon's value monism, his propensity to value everything in monetary currency, Socrates propagates the *sharing* (i.e. reading κοινῇ) of the wisdom and virtue of the 'treasures' of wise men (who, by implication, are sharing *their* wisdom too). This propagation of sharing reveals that the economy of intrinsic valuables is not a zero-sum game.[16] In Antiphon's monistic universe, valuing something implies reducing it to a mere means, setting a price on it so as to sell it and to part from it. To Socrates beauty, wisdom, and virtue, as well as good friends, have an intrinsic value: they are ends in themselves and, once obtained, not for sale. But their value structure does promote sharing without diminishing;

(iii) Moreover, in Socrates' model, sharing leads to the establishment and the endurance of a relationship; in Antiphon's world-view, there are only short-term exchange relationships, immediately dissolved after transaction has taken place;

(iv) Finally, the opposition between being a prostitute and practicing self-restraint (being σώφρων) suggests an analogous opposition between being a sophist and being a gentleman-citizen. Although

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be mistaken for the morally neutral modern notion of gain or profit; in antiquity, κέρδος has a dominant social dimension, bearing predominantly negative connotations and invoking associations with anti-social behavior. As I argue elsewhere, κέρδος does not describe the ratio between costs and increases of wealth, but rather pertains to relationships between persons: 'profit *at the expense* of the other'—evoking a seesaw, or zero-sum, conception of wealth. On this notion of wealth see Millett 1984.

[15] Interestingly, Xenophon elsewhere (Xen. *Mem.* 1.2.60–61) apparently feels the urge to exonerate Socrates from the charge of being too 'electionist'. In reply to the complaint that Socrates was elitist, Xenophon claims that Socrates was φιλάνθρωπος, someone committed to (φιλεῖν) everyone—as opposed to those teachers of virtue who demand pay and therefore do not cater for the less wealthy.

[16] In classical game theory, a 'zero-sum game', or a 'strictly competitive game', describes a situation in which a participant's gain or loss is exactly balanced by the losses or gains of the other participant(s). At first sight, the zero-sum concept may appear to be the basic metaphor underlying modern market economy and politics, as was initially assumed by the founding fathers of game theory Neumann and Morgenstern (Neumann 1928 and Neumann and Morgenstern 1944). In reality, zero-sum situations are rarely encountered in economic and political applications. Much more common are situations in which the participants' interests are only in partial conflict. See Bicchieri 1998.

> the example of prostitution is obviously chosen for its moral charge, the analogy is salient for what it presupposes: an understanding of prostitution and sophistry as incompatible with self-restraint—as I shall elaborate on in section 5.

In this dialogue, one and the same event, Socrates conversing with young Athenians, exchanging wisdom, is framed in two radically opposed ways, presenting us with a neat confrontation of two different world-views. To Antiphon, Socrates is doing the same thing as he and many other contemporaries: teaching for pay. Within his commercial framework, which only allows for short-lived discrete transactions, goods are valued irrespective of the relationship in which they figure: sophistic education is a commodity. By contrast, Socrates' notion of value is dynamic, always containing reference to relationships: wisdom and virtue are not commodities for sale, but goods that arise out of a process of friends sharing virtues and sharing friends becoming virtuous.

In this context, we may not only endorse Edward Cohen's observation that 'Athenian morality … focused on the structure of work relationships, and not on the actual nature of the labor undertaken';[17] we may even say, more fundamentally, that in Athenian morality the 'actual nature' of labor, or any other exchange 'object', is a function of how we construct the exchange relationship in question. By contemporary Athenian standards, Antiphon is actually 'right' in his framing, for Socratic practice does resemble sophistic teaching in many respects.[18] It is Socrates who challenges the expectations by applying an alternative frame to the same situation. But the point is, there is nothing in the entire situation that intrinsically favors one interpretation over the other. The socio-cultural circumstances in classical Athens allow for sufficient space for negotiation in this matter. Apparently.

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[17] Cohen 1992, 101.

[18] The ambiguous or paradoxical character of Socrates' relations with his pupils/friends was probably evident to many Athenians, as it is played on in Aristophanes' *Clouds*, where Socrates confuses Strepsiades by not showing interest in his offer of a fee (Ar. *Nub*. 244–245). Note moreover that Strepsiades' unspecified gift (Ar. *Nub*. 1146–1147), which is not contracted and is sarcastically offered as a sign of admiration or gratitude, appears to be disregarded by Socrates. *See* Vander Waerdt 1994, 59 and Dover 1968 *ad loc*. on these passages.

3. *Friendship and the discourse of commerce*

In the Antiphon episode, Socratic practice is defined in opposition to sophistic mercantilism, by a Socrates who displays a negative attitude towards Antiphon's discourse of commerce. This opposition between commercial teaching and Socratic friendship is significant in view of the ubiquity of commercial terminology in the second book of the *Memorabilia* where Socrates discusses the topic of φιλία, long-term reciprocal relationships. In this series of Socratic conversations, friends are conceived of as commodities,[19] possessions,[20] having a precise cash equivalent,[21] and being objects of purchase.[22]

For example, when urging his friend Diodorus to take steps to befriend the impoverished Hermogenes, Socrates draws a comparison with the trouble that good estate managers invest in their treatment of their servants and says (Xen. *Mem.* 2.10.2–5):

> And if one of your acquaintances who is much more useful to you than your house-slaves is in danger of dying of want, don't you think that you should see to it that he is saved? You must surely know that Hermogenes is not insensitive, and that he would feel ashamed if he didn't return your kindness. Also, to have an assistant who is willing, loyal, reliable and able to carry out instructions—and not only that, but capable of independent action, foresight and planning—this is surely worth a good many house-slaves. Now, good estate-managers say that when you can purchase something valuable at a low price, you ought to buy it; and at the present time, owing to circumstances, it is possible to acquire good friends very reasonably.
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> εἰ δέ τίς σοι τῶν γνωρίμων … πολὺ τῶν οἰκετῶν χρησιμώτερος ὢν κινδυνεύει δι' ἔνδειαν ἀπολέσθαι, οὐκ οἴει σοι ἄξιον εἶναι ἐπιμεληθῆναι ὅπως διασωθῇ; καὶ μὴν οἶσθά γε ὅτι οὐκ ἀγνώμων ἐστὶν Ἑρμογένης, αἰσχύνοιτο δ' ἄν, εἰ ὠφελούμενος ὑπὸ σοῦ μὴ ἀντωφελοίη σε· καίτοι τὸ ὑπηρέτην ἑκόντα τε καὶ εὔνουν καὶ παραμόνιμον καὶ τὸ κελευόμενον ἱκανὸν ποιεῖν ἔχειν, καὶ μὴ μόνον τὸ κελευόμενον ἱκανὸν ὄντα ποιεῖν, ἀλλὰ δυνάμενον καὶ ἀφ' ἑαυτοῦ χρήσιμον εἶναι καὶ προνοεῖν καὶ προβουλεύεσθαι πολλῶν οἰκετῶν οἶμαι ἀντάξιον εἶναι. οἱ μέντοι ἀγαθοὶ οἰκονόμοι, ὅταν τὸ πολλοῦ ἄξιον μικροῦ ἐξῇ πρίασθαι, τότε φασὶ δεῖν ὠνεῖσθαι· νῦν δὲ διὰ τὰ πράγματα εὐωνοτάτους ἔστι φίλους ἀγαθοὺς κτήσασθαι.

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[19] Xen. *Mem.* 2.3 (φίλοι as χρήματα).
[20] Xen. *Mem.* 2.4 (φίλοι as κτήματα).
[21] Xen. *Mem.* 2.5.
[22] Xen. *Mem.* 2.10.

In view of the Antiphon episode this dialogue may strike us for the outspoken way in which Socrates frames his discussion of friendship in the discourse of commerce. The topic is the acquisition (κτήσασθαι) of Hermogenes as friend, who is said to be 'useful' (χρήσιμος), even 'more useful (χρησιμώτερος) than servants'. The process of 'befriending' him is described by means of the practical accounting metaphor of buying a commodity when it is cheap, implying a notion of a discrepancy between the friend's real value (πολλοῦ ἄξιον) and his market price at the moment (him being εὐωνότατος).

How come this commercial metaphor applies to the process of acquiring friends in the first place? That is because the mechanisms of long-term reciprocity resemble market transactions: both are structured as a mutual exchange of goods. In the *Memorabilia*, the twin-principles of Socratic φιλία consist in: (i) the reciprocation of benefits, neatly summarized in the negative in the phrase εἰ ὠφελούμενος ὑπὸ σοῦ μὴ ἀντωφελοίη σε;[23] and (ii) active partnership in exchange, i.e. taking initiatives beyond mere requital.[24]

In this particular dialogue, Socrates motivates his conversation partner into φιλία with Hermogenes, by holding out the prospect of return of benefit: Hermogenes is someone who is very likely to reciprocate in a valuable manner; moreover, he is in need, which makes it easy to benefit him—in this sense, he is cheap while rewarding: a good bargain. Socrates' didactic strategy thus consists in presenting this friendship as a rationally justified investment, imposing a 'debtor's paradigm of obligation' on gratitude, making generosity an investment from enlightened self-interest, and reducing the good of friendship to the fruit of rational investment.

This episode goes to the heart of the question what it means to 'value the other'. It is fragments as these that have provoked an understanding of Xenophon's Socrates as thoroughly instrumentalist, as an adherent to a type of utilitarianism *avant la lettre* that frames friendship in rational economic cost-benefit analysis—which may strike us as problematic, for we may prefer to understand friendship as something that resists means / ends reasoning. In contemporary Western thought, there is a conceptual polarity of individualized persons and commoditized

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23 E.g., Xen. *Mem.* 2.2.1–2; 4.4.24 ff.

24 E.g., Xen. *Mem.* 2.2.5–6; 2.2.12; 2.3.11–14; 2.1.28.

things,[25] and we prefer to adhere to an axiomatic distinction between the use of natural resources and the use of other people.[26] Friends are not supposed to be chosen on grounds of selfish motives alone nor to be interchangeable.

For our present purposes this episode poses an additional problem: is Socrates' account of φιλία intrinsically coherent? There appears to be a serious tension between Socrates' dismissal of Antiphon's commercial paradigm as unfit to characterize Socratic conversations with friends and Socrates' own rational economic model of friendship. Why should Socrates take the trouble to disambiguate the friendship model of sharing intrinsic goods from the commercial model in which everything has a monetary price, when at the same time he urges his companions to buy friends when they are cheap?

4. *Redefining value and utility*

4.1. *Utility and use: ancient and modern conceptualizations*

To alleviate this tension, we should take a closer look at Socrates' use of commercial terminology. To start with Socrates' characterization of Hermogenes as a useful (χρήσιμος) friend: we need to be aware that our understanding of the terminology of 'use', 'utility', and 'usefulness' is essentially informed by modern market economic conceptualizations.

Within such a framework, to say that something is 'useful' is tantamount to valuing it as a means to our independently defined ends[27] (the realm of value),[28] as opposed to valuing something as an 'end in itself' (the realm of values). Hence, in post-Enlightenment thinking, there is a strong moral impediment against framing friendship in terminology of use. We prefer to think[29] that our fellow-humans should be valuated as ends in themselves as opposed to means to our own ulterior ends.[30]

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[25] It is remarkable how easily any suggestion that persons (or, e.g., their organs) can be incorporated in a commodified universe elicits charges of 'slavery' in public debate—which is apparently 'the readiest metaphor when commoditization threatens to invade the human sphere' (Kopytoff 1986, 84).

[26] Von Reden 2003 (1995), 218. Cf. Weber 1972 [1922], 32.

[27] Anderson 1993, 144–145.

[28] Graeber 2005.

[29] Kant 1950 IV, 429.

[30] E.g. Anderson 1993, 144 regarding use as a 'lower, impersonal, and exclusive mode of valuation' that sees things as fungible and capable of being 'traded with equanimity

This dichotomy between 'useful as means to an end' and 'valuable as an end in itself' may not be the best key for understanding classical applications of use-terminology to the realm of friendship (although it may be equally difficult to do without this distinction altogether). There is hardly any philosophical discussion of friendship conceivable that does not take Aristotle's typology of friendship in terms of its motivational structure as a point of departure. Often Aristotle's three-way distinction is simplified into a dichotomy, to fit the post-Enlightenment means / ends polarity; the 'friendship based on pleasure' being left out of account or assimilated with utility-friendship, the salient opposition is deemed to hold between utility-based friendship and friendship for the sake of the other.

However, this opposition between self-serving utility and altruism may not be our best tool for understanding Socrates' account of friendship. The verb χρῆσθαι, from which the relevant terminology (χρῆσις, χρεία, χρήσιμος, χρηστός, χρήματα) is derived, displays a semantic pluriformity, denoting states of affairs ranging from 'being in want of' to 'having', 'using', 'experiencing', and 'dealing with' something; applied to persons the verb may denote 'to treat X as', 'to be intimate' or 'to have intercourse with' X.[31] This broad usage points out that 'XPH-terminology' (our more specifically Greek form of 'use-terminology') is underdetermined in comparison with modern conceptions of utility and we may expect this terminology to display a degree of semantic openness, because it is susceptible to manipulation.

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for any other commodity at some price'. Cf. Badhwar 1993, 11: 'Many philosophers still seek to accommodate friendship within the framework of Kantian or consequentialist theories.' Or, conversely, Helm 2005: 'Often, the appeal to friendship is intended to bypass traditional disputes among major types of moral theories (consequentialism, deontology, and virtue ethics).'

[31] Cohen 1992, 65–66 notes the same wide scope of χρῆσθαι: 'The banker's personal network of friends and his prestige as a professional were as significant as even the possession of vast monetary resources. Indeed, banking was so intensely personalized at Athens that business and social relations tended to coalesce. Clients are said to "use" (χρῆσθαι) bankers … But "use" implied not only a business relationship but also a social intimacy.' Cohen 1992, 65 n. 21: 'Applied to relationships with clients, the basic meaning of the verb is to "use" a person for an end or purpose. See *Liddell-Scott Lexicon*, s.v. "χράομαι". The Greek term does not carry the negative connotation sometimes present in colloquial English "use" of someone.'

4.2. *The Socratic conception of utility and use*

One example of XPH-terminology being subjected to such manipulation can be found in Xenophon's *Oeconomicus*, the Socratic dialogue on estate management (οἰκονομία or οἰκονομικὴ τέχνη). In the course of demarcating the scope of οἰκονομία, Socrates and Critoboulus attempt to give a definition of οἶκος. Critoboulus first defines one's οἶκος as encompassing everything a man possesses,[32] but then modifies this claim, because possession (κτήματα) may contain wealth (χρήματα) as well as liabilities (ζημία),[33] which begs the question how wealth (χρήματα) is to be defined.[34] Socrates redefines χρήματα so as to cover anything beneficial,[35] provided that the user in question knows how to use it (χρῆσθαι).[36] This redefinition leads to the paradoxical observation that even money (ἀργύριον) is not wealth (χρήματα) to one who does not know how to use (χρῆσθαι) it—obviously drawing on the polyvalence of χρήματα (also used for money) (Xen. *Oec.* 1.12):

> You seem to be implying, Socrates, that not even money is an asset, unless one knows how to make use of it.
>
> λέγειν ἔοικας, ὦ Σώκρατες, ὅτι οὐδὲ τὸ ἀργύριόν ἐστι χρήματα, εἰ μή τις ἐπίσταιτο χρῆσθαι αὐτῷ.

Interestingly, the same goes for friends (Xen. *Oec.* 1.14):

> 'So if one doesn't know how to make use of it, Critobulus, then money must be kept at such a distance that it isn't even included among one's assets. Now, what about friends: if one knows how to make use of them, so as to derive benefit from them, then how should they be described?' 'Most emphatically as assets,' said Critobulus, 'They deserve the description far more than cattle, provided they are more beneficial than cattle.'
>
> τὸ μὲν δὴ ἀργύριον, εἰ μή τις ἐπίσταιτο αὐτῷ χρῆσθαι, οὕτω πόρρω ἀπωθείσθω, ὦ Κριτόβουλε, ὥστε μηδὲ χρήματα εἶναι. οἱ δὲ φίλοι, ἄν

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32 Xen. *Oec.* 1.5: πάντα τοῦ οἴκου εἶναι, ὅσα τις κέκτηται.

33 Xen. *Oec.* 1.6–7.

34 Apparently, Socrates did have conceptual cultural space for such redefinition of χρήματα. Cf. Von Reden 2003 [1995], 174: 'In classical Athens the term *chrêmata* could still be used for a variety of things; these included money, but also other valuables for exchange ... *Chrêma* ... was not the term for any specific valuable, nor did it have precise moral connotations. Its meaning shifted according to the context in which it was used and the ends to which it was applied.'

35 Xen. *Oec.* 1.9: τὰ ὠφελοῦντα χρήματα ἡγῇ.

36 Xen. *Oec.* 1.10–11.

> τις ἐπίστηται αὐτοῖς χρῆσθαι ὥστε ὠφελεῖσθαι ἀπ᾽ αὐτῶν, τί φήσομεν αὐτοὺς εἶναι;—χρήματα νὴ Δί᾽, ἔφη ὁ Κριτόβουλος, καὶ πολύ γε μᾶλλον ἢ τοὺς βοῦς, ἂν ὠφελιμώτεροί γε ὦσι τῶν βοῶν.

If one knows how to deal with (χρῆσθαι) friends so as to benefit from them, friends may be called wealth (χρήματα) too. Both the insight that money is not always the same as wealth and that friends can be wealth too are clearly premised on Socrates' redefinition of χρήματα.[37] Therefore, the conceptualization of friends as χρήματα should not be understood as incorporating the phenomenon of friendship in a commercial discourse; rather, both friends and material wealth are redefined and framed in Socrates' ideal of estate management based on knowledge—an ideal grounded in a long-term conception of benefit and virtue.

Along the same lines, Socrates, in the second book of the *Memorabilia*, appeals to Chaerecrates to make his brother Chaerephon an asset instead of a liability. Socrates opens his conversation with the rhetorical question that surely Chaerecrates does not consider wealth (χρήματα) to be more useful (χρησιμώτερον) than brothers (Xen. *Mem.* 2.3.1–3):

> On another occasion, Chaerephon and Chaerecrates, two brothers with whom Socrates was well acquainted, were having a quarrel. Socrates became aware of this and, when he saw Chaerecrates, he said: 'Tell me, Chaerecrates, surely you aren't one of those who think that possessions are more useful than a brother, although they are not endowed with sense and he is, and they need protection whereas he can give it, and, what is more, they are many while he is only one? It is extraordinary, too, that anyone should regard brothers as a liability because he doesn't possess their property as well as his own, and not regard his fellow citizens as a liability on the same ground. Since in the one case people can reason that it is better to have a secure sufficiency and live in a group than to have precarious possession of all their fellow citizens' property and live alone, it is curious that they fail to realize the same fact in the case of their brothers.'

[37] This redefinition also explains Socrates' equally paradoxical claim in the second book of the *Oeconomicus* that he himself, though one hundred times poorer, is in fact wealthier than Critoboulus (Xen. *Oec.* 2.1–9): Socrates' property (χρήματα) is sufficient to satisfy his wants (Xen. *Oec.* 2.4); moreover, if he lacks something (προσδεηθείην), he abounds in friends to contribute to the small needs he has (Xen. *Oec.* 2.8); Critoboulus' lifestyle, on the other hand, renders his capital insufficient no matter how rich he is (Xen. *Oec.* 2.5), whereas his friends (though much richer than Socrates') expect to be benefited by him rather than having any obligation to support him (Xen. *Oec.* 2.8).

> Χαιρεφῶντα δέ ποτε καὶ Χαιρεκράτην, ἀδελφὼ μὲν ὄντε ἀλλήλοιν, ἑαυτῷ δὲ γνωρίμω, αἰσθόμενος διαφερομένω, ἰδὼν τὸν Χαιρεκράτην,— εἰπέ μοι, ἔφη, ὦ Χαιρέκρατες, οὐ δήπου καὶ σὺ εἶ τῶν τοιούτων ἀνθρώπων, οἳ χρησιμώτερον νομίζουσι χρήματα ἢ ἀδελφούς; καὶ ταῦτα τῶν μὲν ἀφρόνων ὄντων, τοῦ δὲ φρονίμου, καὶ τῶν μὲν βοηθείας δεομένων, τοῦ δὲ βοηθεῖν δυναμένου, καὶ πρὸς τούτοις τῶν μὲν πλειόνων ὑπαρχόντων, τοῦ δὲ ἑνός. θαυμαστὸν δὲ καὶ τοῦτο, εἴ τις τοὺς μὲν ἀδελφοὺς ζημίαν ἡγεῖται, ὅτι οὐ καὶ τὰ τῶν ἀδελφῶν κέκτηται, τοὺς δὲ πολίτας οὐχ ἡγεῖται ζημίαν, ὅτι οὐ καὶ τὰ τῶν πολιτῶν ἔχει, ἀλλ᾽ ἐνταῦθα μὲν δύνανται λογίζεσθαι ὅτι κρεῖττον σὺν πολλοῖς οἰκοῦντα ἀσφαλῶς τἀρκοῦντα ἔχειν ἢ μόνον διαιτώμενον τὰ τῶν πολιτῶν ἐπικινδύνως πάντα κεκτῆσθαι, ἐπὶ δὲ τῶν ἀδελφῶν τὸ αὐτὸ τοῦτο ἀγνοοῦσι.

In the course of the conversation, Socrates urges Chaerecrates to turn his brother, a liability (ζημία)[38] at present, into an asset, someone he can benefit from. To this end, he introduces the notion of 'knowing how to deal with someone' (Xen. *Mem.* 2.3.7):

> 'Well,' said Socrates, 'a horse is a liability to a person who tries to manage it without having enough knowledge. Perhaps in the same way a brother is a liability when one tries to manage him without knowledge.'
>
> ἆρ᾽ οὖν, ἔφη ὁ Σωκράτης, ὥσπερ ἵππος τῷ ἀνεπιστήμονι μέν, ἐγχειροῦντι δὲ χρῆσθαι ζημία ἐστίν, οὕτω καὶ ἀδελφός, ὅταν τις αὐτῷ μὴ ἐπιστάμενος ἐγχειρῇ χρῆσθαι, ζημία ἐστί.

This passage emphatically underscores the indispensability of knowledge in valuing the other; if one does not know how to deal with X, X is a liability, no matter how useful X may be in other situations. Socrates explains to Chaerecrates that knowing how to deal with a brother may at times require that one takes the lead in treating the other well. The conversation closes with an analogy between the synergy of limbs and the relationship between brothers: they are designed for mutual benefit (ἐπ᾽ ὠφελείᾳ ἀλλήλοιν).[39]

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[38] Xen. *Mem.* 2.3.2, quoted above.

[39] Xen. *Mem.* 2.3.18–19: νῦν μὲν γὰρ οὕτως, ἔφη, διάκεισθον, ὥσπερ εἰ τὼ χεῖρε, ἃς ὁ θεὸς ἐπὶ τῷ συλλαμβάνειν ἀλλήλοιν ἐποίησεν, ἀφεμένω τούτου τράποιντο πρὸς τὸ διακωλύειν ἀλλήλω, ἢ εἰ τὼ πόδε θείᾳ μοίρᾳ πεποιημένω πρὸς τὸ συνεργεῖν ἀλλήλοιν, (19) ἀμελήσαντε τούτου ἐμποδίζοιεν ἀλλήλω. ἂν πολλὴ ἀμαθία εἴη καὶ κακοδαιμονία τοῖς ἐπ᾽ ὠφελείᾳ πεποιημένοις ἐπὶ βλάβῃ χρῆσθαι; καὶ μὴν ἀδελφώ γε, ὡς ἐμοὶ δοκεῖ, ὁ θεὸς ἐποίησεν ἐπὶ μείζονι ὠφελειὺᾳ ἀλλήλοιν ἢ χεῖρέ τε καὶ πόδε καὶ ὀφθαλμὼ καὶ τἆλλα ὅσα ἀδελφὰ ἔφυσεν ἀνθρώποις. χεῖρες μὲν γάρ, εἰ δέοι αὐτὰς τὰ πλέον ὀργυιᾶς διέχοντα ἅμα ποιῆσαι, οὐκ ἂν δύναιντο, πόδες δὲ οὐδ᾽ ἂν ἐπὶ τὰ ὀργυιὰν διέχοντα ἔλθοιεν ἅμα, ὀφθαλμοὶ δὲ οἱ δοκοῦντες ἐπὶ πλεῖστον ἐξικνεῖσθαι οὐδ᾽ ἂν τῶν ἔτι ἐγγυτέρω ὄντων τὰ ἔμπροσθεν ἅμα καὶ τὰ ὄπισθεν ἰδεῖν δύναιντο· ἀδελφὼ δέ, φίλω ὄντε, καὶ πολὺ διεστῶτε πράττετον ἅμα καὶ ἐπ᾽ ὠφελείᾳ ἀλλήλοιν.

Hence, just as one has to know how to use something (χρῆσθαι) in order to make it wealth (χρήματα), one has to know how to deal (χρῆσθαι) with some person in order to make him more useful (χρησιμώτερος). Being useful is, in turn, paraphrased in terms of being mutually beneficial, an interpretation that essentially excludes the possibility of 'using the other as a means to your own ends at his expense'. If your dealing with the other is grounded in genuine knowledge there is no such thing as conflicting interests.

To summarize, Socrates' rehabilitation of XPH-terminology consists in three distinct steps. First of all, Socrates articulates what he regards as the commonly acknowledged 'real' meaning of χρῆσθαι and χρήματα: he makes his conversation partners accept as self-evident the observation that the correct use of XPH-terminology should take into account that we are talking about *genuinely useful* things and *real utility*. Although it can be questioned to what extent the etymological connection between χρήματα and χρῆσθαι is really active in the mind of the Athenian language-user, it is uncontroversial that the etymological connection *can* be activated and recognized by native speakers of Greek such as Socrates' conversation partners: they are supposed to be susceptible to Socrates' semantic essentialism.

The second step is distinctly Socratic: in redefining 'usefulness' and 'correct use' Socrates emphasizes the indispensability of knowledge. Use, that is, *correct* use, implies knowledge, the know-how of using X. The third step applies exclusively to cases in which X is a *person*: the only correct way of 'using' a person is treating him well and being beneficial to him. In case of persons, 'correct use' becomes a bilateral engagement. This reshaping of the notion of utility and use makes Socratic friendship incompatible with a zero-sum conception of the good. Socrates' use of XPH-terminology does not reflect an 'empty' valuation of persons or assets as merely means to independently defined ends; he carefully redefines XPH-terms as to invest them with intrinsic meaning and direct them towards what is genuinely good.

5. *Commerce versus estate management: beyond the egoism / altruism debate*

On a small scale, this manipulation of terminology demonstrates Socrates' reform of a commercial paradigm towards a positive model for understanding interpersonal relationships: the central component being

real and thorough knowledge of how to deal with the other—the other being a person as opposed to a mere instrument.

On a grander scale, the *Memorabilia* display a similar sentiment, which may be instructive for us because it allows us to break out of the *cul-de-sac* of the egoism / altruism dilemma. The egoism / altruism dilemma, at least in its philosophically challenging form, generally presupposes a zero-sum notion of the good: since Hobbes,[40] modern philosophical discourse has had a tendency to privilege one special type of the human situation as paradigmatic for the whole of moral life, i.e. 'the situation in which I and someone else have incompatible aims and my aims are connected only with my own well-being'.[41] Hence, in modern philosophical discourse that is moreover influenced by rudimentary notions of Darwinism,[42] the burden of proof lies with the proponents of altruism: universal egoism seems to be taken for granted;[43] the possibility of altruism can only be proven in a persuasive manner when we find an action that not only is performed for the sake of the other, but that also meets the condition that it is *at the expense of ourselves*—for these are the only cases when altruism appears to be salient enough to justify belief in it (and not to regard it as a mere disguise or substitute for self-seeking behavior). This, of course, presupposes a zero-sum notion of happiness and of distribution of the good. Socratic philosophy beforehand undercuts this conception of happiness and the good. It propagates an ethical individualism[44] that

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[40] Hobbes 1990, originally published 1650.

[41] MacIntyre 1972, 466.

[42] Recent developments in social Darwinism persuasively demonstrate that the egoism / altruism dilemma is only relevant at the level of conscious individual motivation. The social processes studied by social Darwinism move at a different level of analysis, to which the dilemma is not applicable at all. See e.g. Sober and Wilson 1998.

[43] Conceptually speaking, the origins of this 'universal egoism' are to be found in what MacIntyre 1972 labels the 'genetic fallacy', i.e. the confusion of the question what motives there are in some original state (of human kind according to Hobbes or in early childhood according to Freud) with the question of what the fundamental character is of motives for action in our present / adult state.

[44] In this context it is highly confusing that the philosophical eudaemonism of Greek philosophy is often labeled 'ethical egoism' in scholarship (e.g. Hughes 2001). I do not endorse the often propounded view that Greek ethical philosophy is basically egoistic in outlook because it takes the pursuit of one's happiness as the overall goal. I agree with Gill 1998, who argues that the priority of self-interest implied by this happiness-centered character of Greek ethical thought is not inherently egoistic (or not in a philosophically salient way) and is compatible with the valuation of altruism. More fundamentally, I agree with the illuminating argument in Gill 1998 that, in Greek ethical

is directed towards a univocal notion and ideal of the good grounded in reality, which allows for no happiness and virtue that goes at the expense of the other.

To make matters more palpable, let us look back to the final sentence of the Diodorus episode (Xen. *Mem.* 2.10.4):

> οἱ μέντοι ἀγαθοὶ οἰκονόμοι, ὅταν τὸ πολλοῦ ἄξιον μικροῦ ἐξῇ πρίασθαι, τότε φασὶ δεῖν ὠνεῖσθαι· νῦν δὲ διὰ τὰ πράγματα εὐωνοτάτους ἔστι φίλους ἀγαθοὺς κτήσασθαι.

Does this piece of Socratic wisdom, which strikes us for its calculating ring, indeed imply a commercial framing of the acquisition of Hermogenes as a friend? Remarkably, this line of reasoning in the Hermogenes episode is the exact opposite of the so-called Banker's Paradox, according to which people who need money most desperately are the least likely to receive a loan because they are the poorest credit risks (Tooby and Cosmides 1996, 131):

> Bankers have a limited amount of money, and must choose who to invest it in. Each choice is a gamble: taken together, they must ultimately yield a net profit, or the banker will go out of business. This set of incentives leads to a common complaint about the banking system: that bankers will only loan money to individuals who do not need it. The harsh irony of the Banker's Paradox is this: just when individuals need money most desperately, they are also the poorest credit risks and, therefore, the least likely to be selected to receive a loan.

The diametrical opposition between the two texts above is symptomatic for the fundamental incommensurability between the market economical model and Socratic economics: modern economics attempts to describe relations between persons and things, with individuals only as allocating forces. Socratic economics pertains to relationships between *persons*. In such an economy, the risk of an investment is not measured in terms of a person's material wealth, but in terms of the person's moral quality. The point Socrates is making is that one should not dismiss potential friends for their short-term 'value', but rather should attempt to envision long-term interests. The metaphor that illustrates this point does not evoke a commercial discourse, but rather the paradigm of estate management (οἰκονομία), which is, I submit, distinct from the paradigm of the market.

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thought, altruism is not the dominant interpersonal ideal that favors other-benefiting behavior.

To see how these two are distinct, let us for the moment turn to the pathology of bad friends that Socrates sketches in his conversation with Critoboulus (Xen. *Mem.* 2.6) on testing friends. In the first section of this dialogue, Socrates dismisses a number of character types as inherently unfit for engaging in long-term relationships such as φιλία:[45]

(i) someone overpowered by his appetites, for not being able to do what he should either for himself or for a friend;[46]
(ii) the spendthrift who is yet not self-sufficient, because he will always be in need, getting favors from others without ever being *capable* of returning them, whereas getting resentful to the one who does not give;[47]
(iii) the businessman (who does have wealth), whose desire for money makes him drive a hard bargain and *unwilling* to return favors;[48]
(iv) the fanatical businessman who only has leisure for the pursuit of gain;[49]
(v) the quarrelsome person who brings a host of enemies along for his friends;[50]
(vi) someone who undergoes good treatment while *not considering* return.[51]

The first feature that may strike us is that three of these six caricatures (ii, iii, vi) contain explicit reference to the rule of reciprocating favors received (λαμβάνων ἀποδιδόναι), in picturing a type of defective reciprocity: the bad friend being unwilling, incapable, or unthoughtful of

[45] Cf. Xen. *Mem.* 2.6.19 for a comparable list of vices pertaining to φιλία: πῶς γὰρ ἂν ἢ ἀχάριστοι ἢ ἀμελεῖς ἢ πλεονέκται ἢ ἄπιστοι ἢ ἀκρατεῖς ἄνθρωποι δύναιντο φίλοι γενέσθαι;

[46] Xen. *Mem.* 2.6.1: εἰπέ μοι, ἔφη, ὦ Κριτόβουλε, εἰ δεοίμεθα φίλου ἀγαθοῦ, πῶς ἂν ἐπιχειροίημεν σκοπεῖν; ἆρα πρῶτον μὲν ζητητέον, ὅστις ἄρχει γαστρός τε καὶ φιλοποσίας καὶ λαγνείας καὶ ὕπνου καὶ ἀργίας; ὁ γὰρ ὑπὸ τούτων κρατούμενος οὔτ᾽ αὐτὸς ἑαυτῷ δύναιτ᾽ ἂν οὔτε φίλῳ τὰ δέοντα πράττειν.

[47] Xen. *Mem.* 2.6.2: τί γάρ; ἔφη, ὅστις δαπανηρὸς ὢν μὴ αὐτάρκης ἐστίν, ἀλλ᾽ ἀεὶ τῶν πλησίον δεῖται, καὶ λαμβάνων μὲν μὴ δύναται ἀποδιδόναι, μὴ λαμβάνων δὲ τὸν μὴ διδόντα μισεῖ, οὐ δοκεῖ σοι καὶ οὗτος χαλεπὸς φίλος εἶναι;

[48] Xen. *Mem.* 2.6.3: τί γάρ; ὅστις χρηματίζεσθαι μὲν δύναται, πολλῶν δὲ χρημάτων ἐπιθυμεῖ, καὶ διὰ τοῦτο δυσσύμβολός ἐστι, καὶ λαμβάνων μὲν ἥδεται, ἀποδιδόναι δὲ μὴ βούλεται;

[49] Xen. *Mem.* 2.6.4: τί δ᾽; ὅστις διὰ τὸν ἔρωτα τοῦ χρηματίζεσθαι μηδὲ πρὸς ἓν ἄλλο σχολὴν ποιεῖται ἢ ὁπόθεν αὐτός τι κερδανεῖ;

[50] Xen. *Mem.* 2.6.4: τί δέ; ὅστις στασιώδης τέ ἐστι καὶ θέλων πολλοὺς τοῖς φίλοις ἐχθροὺς παρέχειν;

[51] Xen. *Mem.* 2.6.4–5: εἰ δέ τις τούτων μὲν τῶν κακῶν μηδὲν ἔχοι, εὖ δὲ πάσχων ἀνέχεται, μηδὲν φροντίζων τοῦ ἀντευεργετεῖν;

returning a favor. Nos. (i) and (iv) too can be understood as addressing the issue of discharging reciprocal obligations. In case of the first character type, the underlying idea seems to be that someone dominated by his appetites will not be able to meet obligation (τὰ δέοντα πράττειν), because a sense of obligation requires the ability to suspend the immediate fulfillment of appetites and to overrule one's desires. This presupposes an understanding of these obligations as going beyond immediate fulfillment of appetites, which is at least coherent with imperatives of benefiting someone and returning benefits received. Similarly, the fanatical businessman of (iv), whose priorities are only with pursuit of gain (κερδανεῖ), is not likely to be concerned about returning goods received. The crucial point seems to be that friendship is too time-consuming to seem rewarding to someone ruled by the short-sightedness of short-term gain.

Remarkably, these personalities unfit for φιλία are typically inhabitants of a world ruled by short-term transactions. These character types are incapable of envisioning the long-term perspective needed to be able or willing to perform the reciprocal exchanges that constitute friendship. In a world ruled by appetites directed at short-term 'goods', only immediate gain is conceived of as yielding any good. Gratitude, generosity, favors, and gifts cannot exist in such a world, because of the time span they presuppose. In contrast, the good friend is characterized by virtues that somehow pertain to the suspension of immediate gratification of short-term needs, such as being continent (ἐγκρατής).[52]

The key concept in this dialectics of the long term is ἐγκράτεια, self-mastery, controlling the impulses of appetites that demand satisfaction in the short run but that pose a threat to the realization of long-term goods.[53] Together with the concepts of καρτερία (physical endurance) and αὐτάρκεια (self-sufficiency), ἐγκράτεια forms the core of Socratic ethics in the *Memorabilia*,[54] as the precondition for the development of virtue in an individual,[55] as virtue is the result of practice (ἄσκησις)[56] requiring a complete mastery of body and soul.[57] As such, ἐγκράτεια is

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[52] Xen. *Mem.* 2.6.5: οἶμαι μέν, ὅστις τἀναντία τούτων ἐγκρατὴς μέν ἐστι τῶν διὰ τοῦ σώματος ἡδονῶν, εὔοικος δὲ καὶ εὐσύμβολος ὢν τυγχάνει καὶ φιλόνικος πρὸς τὸ μὴ ἐλλείπεσθαι εὖ ποιῶν τοὺς εὐεργετοῦντας αὐτόν, ὥστε λυσιτελεῖν τοῖς χρωμένοις.

[53] Xen. *Mem.* 1.2.14, 1.3.5–14, 1.5.1, 1.5.6, 1.6.8, 2.1, 3.14, 4.5.9, 4.8.11.

[54] Dorion 2006.

[55] Xen. *Mem.* 1.5.4–5.

[56] Xen. *Mem.* 1.2.19–23, 2.1.20, 2.1.28, 2.6.39, 3.3.6, 3.5.14, 3.9.1–3.

[57] *See* Dorion 2006 for an overview of the functions of ἐγκράτεια in Socrates' moral philosophy in the *Memorabilia*.

the prerequisite for anyone who aspires to become successful, virtuous, and beneficent in life: in productive life as an estate manager, in politics as a citizen qualified to rule for the common good and capable of serving public interest, in personal life as a member of an οἶκος and as a friend. ἐγκράτεια is the first precondition to initiating and cultivating relationships that are genuinely beneficial to both partners—long-term relationships that are impossible in a world that revolves around short-term needs and appetites.[58]

Our Antiphon (Xen. *Mem.* 1.6.11–12) is characterized as an inhabitant of *this* morally problematic world of commerce, guided by the short-sightedness of blind appetites and short-term needs, with no clear view of long-term interests, because his understanding of value is not grounded in knowledge. Socrates typically associates this moral short-sightedness with the phenomenon of 'money'; a telling example can be found in a passage that bears many similarities with the Antiphon episode (X. *Mem.* 1.2.5–7):

> Nor again did he make his associates money-lovers: he rid them of all other desires except for his company, and for that he charged no fee. In eschewing fees, he considered that he was protecting his own independence; those who accepted a fee in return for their services he nicknamed 'self-enslavers', because they were obliged to converse with *all from whom they could take a fee*. He expressed surprise that a man who offered to teach goodness should demand to be paid for it and, instead of anticipating the greatest possible gain through obtaining a good friend, should be afraid that the person who has become truly good will feel less than the deepest gratitude to his supreme benefactor. Socrates never made any such offer to anyone, but he believed that those of his associates who accepted the principles which he himself approved of would be good friends all their life long to himself and to one another.[59]
>
> οὐ μὴν οὐδ' ἐρασιχρηματους[60] γε τοὺς συνόντας ἐποίει. τῶν μὲν γὰρ ἄλλων ἐπιθυμιῶν ἔπαυε, τοὺς δ' ἑαυτοῦ ἐπιθυμοῦντας οὐκ ἐπράττετο χρήματα. τούτου δ' ἀπεχόμενος ἐνόμιζεν ἐλευθερίας ἐπιμελεῖσθαι· τοὺς δὲ λαμβάνοντας τῆς ὁμιλίας μισθὸν ἀνδραποδιστὰς ἑαυτῶν ἀπεκάλει

[58] The intricate connection between ἐγκράτεια and φιλία is most evident in Xen. *Mem.* 2.6.1–6.

[59] Tr. adapted. Cf. Pl. *Grg.* 519c for the similar observation that the sophists' practice, supposedly so intelligent in everything else, is irrational and self-contradictory when it comes to charging fees for lessons: although they claim to teach virtue, they complain about their students' ungratefulness.

[60] This adjective is a neologism of Xenophon, coined by analogy with φιλαργυρία and probably intended to highlight the compulsory aspects of money-driven behavior.

διὰ τὸ ἀναγκαῖον αὐτοῖς εἶναι διαλέγεσθαι παρ’ ὧν ἂν[61] λάβοιεν τὸν μισθόν. ἐθαύμαζε δ’εἴ τις ἀρετὴν ἐπαγγελλόμενος ἀργύριον πράττοιτο καὶ μὴ νομίζοι τὸ μέγιστον κέρδος ἕξειν φίλον ἀγαθὸν κτησάμενος, ἀλλὰ φοβοῖτο μὴ ὁ γενόμενος καλὸς κἀγαθὸς τῷ τὰ μέγιστα εὐεργετήσαντι μὴ τὴν μεγίστην χάριν ἕξοι. Σωκράτης δὲ ἐπηγγείλατο μὲν οὐδενὶ πώποτε τοιοῦτον οὐδέν, ἐπίστευε δὲ τῶν συνόντων ἑαυτῷ τοὺς ἀποδεξαμένους ἅπερ αὐτὸς ἐδοκίμαζεν εἰς τὸν πάντα βίον ἑαυτῷ τε καὶ ἀλλήλοις φίλους ἀγαθοὺς ἔσεσθαι.

Fee-taking is condemned by means of the insinuating imagery of being an ‘enslaver of oneself’ (ἀνδραποδιστὴς ἑαυτῶν)—an image that evokes the same morally biased universe as the πόρνος from the Antiphon episode, although supported by an alternative explanation. In this case, the trouble with taking fees is not so much the impossibility of discriminating on basis of the moral quality of one’s conversation partner;[62] the trouble is that fee-taking yields a dynamics of its own. Accepting payment not only puts one under the legal obligation to deliver;[63] it is even suggested that the very mediation of money makes one cultivate the wrong ‘desires’ (ἐπιθυμίαι) and hence causes compulsory behavior: one is under compulsion to ‘converse with’ (διαλέγεσθαι) whomever one *can* get money from![64] Socratic economics stands out in striking contrast to this sophistic discourse ruled by compulsion and fear (φοβοῖτο): for Socrates, the greatest gain is making friends and making one’s friends morally excellent; in light of this objective fear turns into trust (ἐπίστευε), and obsession with gain (κέρδος) is replaced by a belief in χάρις, generosity and gratitude. This switch of discourse enables Socrates to recognize the paradox of sophistic teaching and formulate what may be seen as a clever inversion of Antiphon’s paradox: the practice of fee-raising flies

[61] ἄν is deleted by Dindorff. See n. 64.

[62] *Pace* Corey 2002, 196–197: ‘Taking pay places constraints upon the free discretion that any conscientious teacher will want to exercise.’

[63] Blank 1985.

[64] This reading diverges from current interpretations of this passage. The disagreement hinges upon the interpretation of the optative ἂν λάβοιεν. The standard translation ‘because they were obliged to converse with those from whom they took pay’ presupposes that ὧν ἂν λάβοιεν is an optative of secondary sequence replacing a subjunctive construction: ὧν ἂν λάβωσιν, λάβωσιν being a distributive-iterative subjunctive. However, it is extremely uncommon that ἄν is retained in indirect discourse after a past tense when the verb has been changed to the optative. Among the few alleged ‘exceptions’ of this rule mention is made of precisely this particular case (Xen. *Mem.* 1.2.6) (see e.g. Goodwin 1875, section 702). Kühner-Gerth’s grammar (1890) does not postulate such exceptions to the rule. I do not see a necessity to do so either. The optative ἂν λάβοιεν should be read as a potential optative (cf. Kühner 1882, who paraphrases this sentence as: *quia necessitas iis imposita esset cum iis colloquendi, a quibus mercedem accipere possent*).

into the face of the sophist's claim of teaching virtue, for fee-raising is a symptom of distrusting one's pupil—of which there is no need if one has succeeded in making the pupil virtuous![65] The bottom line is that χάρις, virtue, and trust presuppose a timeframe that surpasses the short-term world of the businessman, sophist, and prostitute.

Along similar lines, in the Antiphon episode (Xen. *Mem.* 1.6.11–12), prostitution and sophistry are constructed as incompatible with self-restraint, which implies a framing of 'money' as something that poses a threat to one's efforts to master short-term needs;[66] by contrast, friendship, as we have seen, is conceptualized in terms of self-restraint, i.e. the suspension of short-term needs of gratification in favor of long-term goods. In a nutshell, we may say that Socrates' problem with demanding and accepting pay for his conversations is twofold. The formal objection is that accepting pay presupposes a wrong interpretation of the teacher–student relationship, confusing friendly reciprocity premised on trust, generosity, and gratitude with a commercial notion of reciprocity. The substantial problem is that demanding pay is in itself incompatible with the contents of Socratic moral-philosophical teaching that takes as its point of departure the principle of ἐγκράτεια.

Hence, Socrates' use of market terminology in the Diodorus episode may initially appear to evoke a commercial model of friendship, but turns out to be drawing on the discourse of estate management, a discourse more suitable for encapsulating the long-term perspective. The proper care of an estate always takes into account the long-term perspective, the paradigm-case being land cultivation: taking care of land that eventually yields fruit. This explains Socrates' frequent use of agricultural metaphors in describing φιλία, such as the notion of the καρπός, the fruit, of friendship;[67] this also explains what the conflict between Virtue and Vice in Prodicus' myth of Heracles, narrated by Socrates in *Mem.* 2.1, is really conveying: a rhetoric of πόνος, of toil and effort, of investment in long-term goods. Against Vice's promise of a life without toil[68] stands the truth of Virtue that the gods give nothing without toil and effort (Xen. *Mem.* 2.1.28):

[65] This paradox recurs on several occasions in Socratic literature and other manifestations of criticism against the sophists, e.g. Pl. *Grg.* 519c, 460e; Isoc. *C. soph.* 5–6.

[66] E.g. Socrates' first conversation with Antiphon (1.6.1–10) shows Socrates redefining notions of poverty, happiness, and the ends of wisdom.

[67] Xen. *Mem.* 2.6.7; *Symp.* 8.25. Cf. Stevens 1994.

[68] Xen. *Mem.* 2.1.25.

> Nothing that is really good and admirable is granted by the gods to men without some effort and application. If you want the gods to be gracious to you, you must worship the gods; if you wish to be loved by your friends, you must be kind to your friends; if you desire to be honoured by a State, you must help that State; if you expect to be admired for you fine qualities by the whole of Greece, you must try to benefit Greece; if you want your land to produce abundant crops, you must look after your land; if you expect to make money from your livestock, you must take care of your livestock; if you have an impulse to extend your influence by war, and want to be able to free your friends and subdue your enemies, you must both learn the actual arts of war from those who understand them, and practice the proper way of applying them; and if you want to be physically efficient, you must train your body to be subject to your reason, and develop it with hard work and sweat.
>
> τῶν γὰρ ὄντων ἀγαθῶν καὶ καλῶν οὐδὲν ἄνευ πόνου καὶ ἐπιμελείας θεοὶ διδόασιν ἀνθρώποις, ἀλλ' εἴτε τοὺς θεοὺς ἵλεως εἶναί σοι βούλει, θεραπευτέον τοὺς θεούς, εἴτε ὑπὸ φίλων ἐθέλεις ἀγαπᾶσθαι, τοὺς φίλους εὐεργετητέον, εἴτε ὑπό τινος πόλεως ἐπιθυμεῖς τιμᾶσθαι, τὴν πόλιν ὠφελητέον, εἴτε ὑπὸ τῆς Ἑλλάδος πάσης ἀξιοῖς ἐπ' ἀρετῇ θαυμάζεσθαι, τὴν Ἑλλάδα πειρατέον εὖ ποιεῖν, εἴτε γῆν βούλει σοι καρποὺς ἀφθόνους φέρειν, τὴν γῆν θεραπευτέον, εἴτε ἀπὸ βοσκημάτων οἴει δεῖν πλουτίζεσθαι, τῶν βοσκημάτων ἐπιμελητέον, εἴτε διὰ πολέμου ὁρμᾷς αὔξεσθαι καὶ βούλει δύνασθαι τούς τε φίλους ἐλευθεροῦν καὶ τοὺς ἐχθροὺς χειροῦσθαι, τὰς πολεμικὰς τέχνας αὐτάς τε παρὰ τῶν ἐπισταμένων μαθητέον καὶ ὅπως αὐταῖς δεῖ χρῆσθαι ἀσκητέον· εἰ δὲ καὶ τῷ σώματι βούλει δυνατὸς εἶναι, τῇ γνώμῃ ὑπηρετεῖν ἐθιστέον τὸ σῶμα καὶ γυμναστέον σὺν πόνοις καὶ ἱδρῶτι.

Here we clearly see the value of ἐγκράτεια and καρτερία as the foundational principles of all virtues. Instead of making appealing promises of short-term gratification, Virtue tells Heracles the truth that the gods give nothing without toil (πόνος) and effort (ἐπιμέλεια). If you want to be popular with your friends, you need to benefit them; if you want your land to yield a bounty of fruit, you should cultivate it. Real happiness and self-fulfillment consist in αὐτάρκεια that results from self-restraint and endurance.[69] Virtue's 'rhetoric of πόνος'[70] is part of Socrates' moral-philosophical ideology that runs through the whole of the *Memorabilia*. It is an ideology of voluntary endurance of deprivations and self-imposed toil—an ideology that defines genuine benefit as grounded in an understanding of and investment in long-term goods and a cultivation of the

69 Cf. O'Connor 1994, 159–163.
70 Johnstone 1994.

self, and opposes the appeals of short-term self-indulging gratification that in the long run corrupts body, soul, and one's interpersonal relationships.

To Socrates, the salient opposition is therefore not so much between friendship and commerce, nor between other-regarding behavior and the instrumental pursuit of self-interest, but rather between acting from a thorough knowledge of long-term interests, i.e. of one's *genuine* interest (the model of which is the οἰκονομικός, the estate manager), and the anti-social behavior displayed by people who are incapable of taking in the long-term perspective (the caricature of which is the businessman).

6. *Conclusion*

Xenophon's *Memorabilia* provide us with an instructive alternative to post-Enlightenment notions of utility, use, and the good. Socrates' chief concern, as we have seen in the Diodorus episode, is to enable his companions to look beyond the appeal of short-term gratification and to envision the long-term perspective; without such perspective it is impossible to understand long-term bonds such as φιλία. Occasionally, as we have seen in the Antiphon episode, Socrates' conception of φιλία gains meaning from its opposition to exchange events informed by short-term conceptions of the good: commercial transactions embedded in a pursuit of gain.

Socrates' understanding of the long-term interests in real friendship transcends the opposition between egoism and altruism in favor of a notion of mutual benefit, as he points out to Chaerecrates: the ideal of the long-term care of the self automatically entails the care of one's φίλοι. After all, they are part of one's χρήματα, wealth. Socratic economics, therefore, never is a zero-sum game: there is no such thing as conflict of interests between two genuine φίλοι, two people who treat each other well, because their dealings are grounded in genuine knowledge and virtue.

The opposition between the conception of φιλία as a long-term based reciprocity on the one hand, and the short-term cycle of gratification characteristic of commerce on the other, resembles Parry and Bloch's 'two transactional orders'.[71] In Parry and Bloch's terminology, the long-term

[71] Parry and Bloch 1989, 23–30.

transactional order, occupied with the reproduction of the larger social and cosmic order, is always positively valued. Phenomena such as agriculture, religion, and the Greek οἶκος with its generation-transcending continuity are typically part of such a long-term order. The short-term order of individual acquisition is morally underdetermined. Moral problems typically arise when these two basic transactional orders get confused. The distinct feature of Socratic economics is that it redefines notions of wealth, value, and usefulness to be grounded in virtue: it incorporates Parry and Bloch's short-term order totally in the long-term transactional order, Socratic οἰκονομία.[72]

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[72] This reductionistic program also explains one of the major differences between οἰκονομία and modern economics: in modern economic theory, consumption is the only area in which people are not really supposed to be acting rationally. Socrates' understanding of οἰκονομία with its ethics of self-sufficiency, self-restraint, and endurance addresses the whole cycle of the long-term transactional order.

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CHAPTER TWELVE

ON BELONGING IN PLATO'S *LYSIS*

Albert Joosse

1. *Introduction*

Thinkers in ancient Athens were quick to embrace a theoretical framework to explain personal relations in terms of good and bad. Thus it was often taken as an axiom that love and affection are aimed at goodness, and that a lover seeks to acquire the very trait in others that will make him good, or at least benefit him in some other way. In Xenophon's *Memorabilia*, for example, we find Socrates counseling people on how to find a friend: 'anyone whose good works wrought upon his old friends are manifest will clearly prove a benefactor to new friends also'.[1] A sensible man is on the lookout for such benefits, whether one thinks of these in narrowly utilitarian terms, or as goods more generously understood.

We are entitled, however, to wonder whether such theoretical elaborations adequately reflect the way in which contemporary Athenians would have described their relations with others. Does an Athenian who values others think of himself as discerning some goodness in them to which he responds with affection? Or would he describe his ties with family, friends, and fellow citizens by means of other terms and concepts? There is reason to think he would. The speaker of Lysias' first speech, for instance, says that he had complete trust in his wife from the moment their child was born, 'presuming we were now in perfect

[1] Xen. *Mem.* 2.6.7: καὶ ἄνδρα δὴ λέγεις, ἔφη, ὃς ἂν τοὺς φίλους τοὺς πρόσθεν εὖ ποιῶν φαίνηται, δῆλον εἶναι καὶ τοὺς ὕστερον εὐεργετήσοντα. As far as I am concerned it is an open question whether the Socrates that figures in these conversations does himself subscribe to a so-called utilitarian conception of personal relations. For all that, Xenophon's pieces do express an attitude of this kind, especially if we consider his Socrates to be using this attitude ironically or exhortatively.

intimacy (*oikeiotês*)'.[2] Evidently this man values his wife, and trusts her with his valuables. His trust is based on their intimacy, *oikeiotês*. Is this a roundabout way of saying something about the goodness that he has found in his wife? Perhaps it is. Equally plausibly, however, he is here referring to something that bypasses the framework of good and bad, and is a different type of description of relations between people.

This word, *oikeiotês*, and its cognates, are worth closer inspection. It is not that they provide the only way of looking at personal relations that does not rely on concepts of goodness and badness, nor necessarily are they the most important. Their particular interest, however, lies in the way in which they cover a range of meaning from possessions, via relatives and suitability, to the intimacy that comes with affection and companionship.

Would Athenians have recognized a core meaning in all of these different uses, or should we pronounce this group of words hopelessly ambiguous? Would it have made sense to an Athenian to wonder what his personal possessions and his closest friends have in common? Or to ask whether tools that are particularly appropriate to, for instance, the carpenter's trade are thereby meaningfully described as being relatives of that trade? If these seem rather wild questions, the properly personal sphere, too, offers enough to wonder about. For instance, if someone is said to associate intimately, *oikeiôs*, with another, does that imply that the other is intimate with him too? What does it mean that people's *oikeiotês* to someone can be a matter of legal dispute, as is the case in the first oration of Isaeus?[3] And there is the general question why one would choose to speak in terms of *oikeiotês* at all: what is the added value?

One way to answer questions of this kind is to examine the uses of *oikeios* and related words in a range of contemporary texts of different kinds. Alternatively, we can look at contemporary texts that reflect on the meaning of these words. In this chapter we will take the latter approach. We will partly turn back from the unreflective popular usage of *oikeios* to its theoretical elaboration. The theorizing in question takes place in a gymnasium, between two boys and an older man, who will end their talk by saying that they are friends, but add somewhat sadly that they have not yet discovered what precisely it means to be a friend. We find the discussion in Plato's dialogue *Lysis*.

[2] Lysias 1.6: ἐπειδὴ δέ μοι παιδίον γίγνεται, ἐπίστευον ἤδη καὶ πάντα τὰ ἐμαυτοῦ ἐκείνῃ παρέδωκα, ἡγούμενος ταύτην οἰκειότητα μεγίστην εἶναι (tr. Lamb 1930).

[3] See esp. Isae. 1.44–47: ὥσθ' ἡμᾶς … οἰκείους εὑρήσετε.

The specific question I want to address is what Plato's use of the concept of *oikeiotês* in the *Lysis* tells us about its content. We will proceed on two significant assumptions. The first is that Plato uses *oikeios*-related words in their ordinary meanings, i.e. ones that his fellow Athenians would recognize as the meanings of these words. Among these fellow Athenians are the fictional Lysis and Menexenus; I assume that they will show at least some sign of disquiet if Socrates starts using language in wholly unfamiliar ways. I think this is a reasonable supposition in general, given the more or less realistic setting of Plato's dialogues. As we go along, I will point to aspects of the text that make this a sensible strategy in this case in particular. The second assumption is that there is a core meaning to the many forms of *oikeios*, a concept of *oikeiotês* about which we can say things in a meaningful way. The proof of this pudding is in the eating.

Our investigation has two parts. After a short discussion of the structure of the *Lysis* (section 2), the first of these looks at the argumentative role of the concept of *oikeiotês* (sections 3–4). This is an essential part of any discussion of what a philosopher meant by a certain term, of course, but in the *Lysis* this analysis is even more important because the fate of its arguments determines the course of the narration too. In the second part we look at the way in which *oikeios*-words pick up on themes that are present in the immediate context: reciprocity (section 5), family (section 6), and the naturalness of what is *oikeion* (section 7).

Do we have to read Plato's *Lysis* in order to find an ancient theoretical application of *oikeiotês*? No, we don't. There is the summarily transmitted but no less interesting theory of Theophrastus about the *oikeiotês* of animals, human and otherwise, as reported in Porphyry's *De abstinentia*;[4] there is also the well-known Stoic theory of *oikeiôsis* which seeks to account for the development of virtue as a natural extension of what is in the first instance 'suitable' (*oikeion*) to human nature.[5] The value of the *Lysis* as against these theories is that it is a significantly earlier text, something it shares with another text which mentions *to oikeion*, Plato's own *Symposium*. In this dialogue Diotima says: 'I don't think an individual takes joy in what belongs to him personally unless by "belonging to me" (*oikeion*) he means "good"',[6] thereby referring to

[4] See esp. frr. 12 and 20 in Pötscher 1964 (= Porph. *Abst*. 2.20–25 and 3.25).

[5] The *locus classicus* for this theory is Diogenes Laertius' *Lives* 7.85–89.

[6] Pl. *Symp*. 205e5–7: οὐ γὰρ τὸ ἑαυτῶν οἶμαι ἕκαστοι ἀσπάζονται, εἰ μὴ εἴ τις τὸ μὲν ἀγαθὸν οἰκεῖον καλεῖ καὶ ἑαυτοῦ, τὸ δὲ κακὸν ἀλλότριον (tr. Nehamas and Woodruff 1989). Other occurrences of οἰκει-: 192c1, 193d2 (Aristophanes's speech), and 197d1 (Agathon's speech).

Aristophanes's earlier speech. There are significant parallels in the way the *Symposium* and the *Lysis* discuss the concept of *to oikeion*, which are worth exploring on the *Lysis*-side of the equation too.[7] The *Lysis* offers us more than the *Symposium*, however, by taking this concept philosophically seriously; as a consequence, it constitutes a more precise exploration of the different shades of meaning of *oikeios*.

One point of presentation: I will hereafter refer to concepts by means of small capitals—OIKEION stands for 'the concept of *to oikeion*', similarly with GOOD.

2. *The structure of the* Lysis

To know the meaning of a thing is to know its place in the scheme of things. And so it is appropriate to determine the place of OIKEION in the *Lysis*. In order to do so let me offer a few comments about the structure of the text.

Among Platonic dialogues the *Lysis* is exceptionally schematic in its presentation of arguments; the terseness of some passages finds its parallel only in the notorious second part of the *Parmenides*. Consequently, what is acceptable in the give-and-take between the participants in the discussion becomes unusually important as a means to establish the meanings of key terms. Its schematism, moreover, makes the arguments of the *Lysis* its main structural component.

The arguments in the *Lysis* all serve to answer its leading question: 'What is *to philon*?' This is Socrates' way of asking 'What is the essence of love?', where 'love' must be understood quite broadly, as including many kinds of affection. The question itself does not prescribe that its answer must be an object of love, a lover, or some other feature that one may discern in love. The Greek *to philon* is underdetermined, one could say, with respect to a passive or active reading, or one that combines both. Each suggested answer to the question, therefore, brings with it its own specifications of passivity and activity. We will see shortly that this feature helps us to analyze the structure of the text.

In the passages that we will examine OIKEION is contrasted and related to GOOD. We first find Lysis, Menexenus, and Socrates considering an answer to 'What is *to philon*?' that specifies a lover and a beloved; this

[7] Rowe 2000 discusses parallel argumentation in the *Lysis* and *Symposium* in general.

can be paraphrased as 'it is of the essence of relations of love that there is a neutral lover and a good beloved'. Later, the discussion considers an answer that can be represented as '*to oikeion* is *to philon*', or as 'the essence of love is in *oikeiotês*'. Having considered OIKEION by itself, Socrates and his companions try to relate OIKEION and GOOD in an intelligible way, but fail. This failure marks the end of the discussion.

The two answers represent the two alternatives I sketched in the introduction: is the essence of love to be found in goodness or in *oikeiotês*?[8] We can see Plato review both options successively, and seek for a way to combine them—in a bid for the simplicity that is the force of explanation.

3. *OIKEION does not depend on GOOD*

It is not universally admitted, however, that these accounts are independent of each other at first. Some say the answer in terms of OIKEION is at most a reformulation of the answer in terms of GOOD. In this view, the discussion never relinquishes the agreement that goodness is at the basis of love. Descriptions of love that use concepts other than the pair neutrality–goodness (as in Lysias' first speech) have not reached the heart of the matter. Of those who share this opinion, some say that the Platonic Form of the Good is what OIKEION ultimately refers to;[9] some make this claim only about 'the good', without identifying this with the form of the Good;[10] others say OIKEION refers to *eudaimonia*;[11] still others propose knowledge.[12]

Another type of interpretation does not wholly identify OIKEION with GOOD but regards it as an addition to it; in this view, calling the beloved 'good' does not capture the whole of the phenomenon of love. It has been said that OIKEION includes something of the irrationality of love that GOOD lacks.[13] It has also been suggested that OIKEION describes

[8] Strictly speaking, the first alternative is the combination of a good object of love and a neutral lover (i.e. one that is neither good nor bad), since the possibility of two good lovers, each of whom are both subject and object of love, has been excluded earlier in the dialogue (Pl. *Lysis* 214b8–215c2).

[9] E.g. Glaser 1935; Levin 1971; Peters 2001.

[10] E.g. Gonzalez 1995; Bordt 1998.

[11] E.g. Irwin 1995; Adams 1995; Trabattoni 2003.

[12] E.g. Penner and Rowe 2005; Schoplick 1968.

[13] Pohlenz 1916.

a second cause of friendship, which accounts for those friendships that GOOD does not account for.[14]

In a third line of interpretation, OIKEION does not play much of a role at all. On this view, it is merely used to present another puzzle that adds to the confusion of the foregoing,[15] or to create a dramatically effective but philosophically unimportant way to end the dialogue,[16] which at most serves to refute the opinions of some contemporary of Plato's.[17]

There is, then, considerable disagreement whether the *Lysis* discusses an explanation of love that is essentially independent from a framework of goodness and badness. There are nevertheless good reasons to think it does; to think, that is, that the answer to the question 'What is *to philon*?' that is given in terms of OIKEION does not at first depend on the earlier answer in terms of GOOD.

The first of these reasons is simply that Lysis, Menexenus, and Socrates have refuted the view that love essentially aims at something good. And that means that this account has been dismissed, just as the refutations of suggested accounts earlier in the dialogue had marked their dismissals.

Let us look more closely at this refutation. In outline and paraphrase, it is as follows:

(1) love of goodness is dependent on the presence of badness; but
(2) there is desire in the absence of badness; and
(3) whenever there is desire there is love; therefore
(4) there is love that is not love of goodness.

The text is as follows:

(T1) 'Is it then because of the bad that the good is loved and is it like this: if of the three things we were talking about just now, good, bad, and neither good nor bad, two were still left, but the third, the bad, were to take itself off out of the way and affected nothing … is it the case that then the good would not be useful to us at all, but would have become useless? For if nothing any longer harmed us, we wouldn't need any help at all … and if there's no sickness there's no need for a cure. Is the nature of the good like this, and is it loved like this, because of the bad, by us who are between the bad and the good, and does it have no use, itself for the sake of itself?'

'It seems,' [Menexenus] said, 'to be like that.'

[14] Smith Pangle 2003 (esp. 31–36), developing ideas in Bolotin 1979 (esp. 179–181).
[15] E.g. Price 1997.
[16] E.g. Kahn 1996; Schmalzriedt 1969.
[17] So von Arnim 1916: one opponent is refuted in the passage about desire as a cause of friendship; another in the passage about τὸ οἰκεῖον.

'In that case we find that that friend of ours [... is shown to be] a friend to us for the sake of something inimical, and if the inimical took itself off it's no longer, it seems, a friend to us.'

'It doesn't seem so to me,' he said, 'as least if it's put as it is now.'

(T2) 'Good heavens,' I said, 'if bad disappears, will there no longer even be any being hungry, or being thirsty, or anything else of that sort? Or will there be hunger, if indeed there are human beings and the other sorts of living creatures, but not hunger that is *harmful*? And so with thirst, and the other sorts of desires—there will be these desires, but they won't be bad, given that bad will have disappeared? Or is the question "What, I wonder, will there be or not be under those circumstances?" ridiculous? For who knows the answer? This much in any case we do know, that even as things are it is possible to be hungry and be harmed, and possible too to be hungry and be benefited. Isn't that so?'

'Yes, absolutely.'

'Then it's possible also to be thirsty and to desire any of the other things of this sort and sometimes to desire them beneficially, sometimes harmfully, and sometimes neither?'

'Yes, very much so.'

'Then if bad things disappear, the sorts of things that actually aren't bad—why does it belong to them to disappear along with the bad?'

'It doesn't at all.'

'In that case there will be the neither good nor bad desires even if bad things disappear.'

'It appears so.'

'Well, is it possible for a person desiring, and feeling passion for, the thing he desires and feels passion for not to love?'

'It doesn't seem so to me.'

'In that case even if bad things had disappeared, it seems, there will be some friends.'

'Yes.'

'There wouldn't be, if the bad really were cause of a thing's being a friend—one thing wouldn't be a friend to another, if that had disappeared. For once a cause has disappeared I imagine it would be impossible for that thing of which this cause was cause still to be there.'

'What you say is correct.'

'Well then, hasn't it been agreed by us that the friend loves something, and because of something; and didn't we think, at *that* point, that it was because of the bad that the neither good nor bad loved the good?'

‘True.’

‘But now, it seems, another sort of cause of loving and being loved is appearing.’

‘It does seem so.’[18]

In T1 Socrates establishes that whenever good things are loved *qua* good this is because there is a bad something that the neutral lover wants to get rid of (claim 1). Menexenus first agrees that in the absence of badness good things are not useful, and secondly that, given those circumstances, goodness is not a friend, i.e. beloved, to the neutral lover. (Note that the claim ‘the love for something good depends on the *presence* of a hated

[18] The translation I provide is Penner and Rowe’s, who for consistency’s sake always opt for ‘friend’ as a translation of φίλον (cf. their note 13 on p. 43). The Greek in these notes is S. Martinelli Tempesta’s (in the first of the two volumes edited by Trabattoni 2003); I have indicated the very few places where this text differs from Burnet’s. The text here is from Pl. *Lysis* 220b8–221d2: ‘ἆρ’ οὖν διὰ τὸ κακὸν τὸ ἀγαθὸν φιλεῖται, καὶ ἔχει ὧδε· εἰ τριῶν ὄντων ὧν νυνδὴ ἐλέγομεν, ἀγαθοῦ καὶ κακοῦ καὶ μήτε ἀγαθοῦ μήτε κακοῦ, τὰ δύο λειφθείη, τὸ δὲ κακὸν ἐκποδὼν ἀπέλθοι καὶ μηδενὸς ἐφάπτοιτο … ἆρα τότε οὐδὲν ἂν ἡμῖν χρήσιμον εἴη τὸ ἀγαθόν, ἀλλ’ ἄχρηστον ἂν γεγονὸς εἴη; εἰ γὰρ μηδὲν ἡμᾶς ἔτι βλάπτοι, οὐδὲν ἂν οὐδεμιᾶς ὠφελίας δεοίμεθα, καὶ οὕτω δὴ ἂν τότε γένοιτο κατάδηλον ὅτι διὰ τὸ κακὸν τἀγαθὸν ἠγαπῶμεν καὶ ἐφιλοῦμεν, ὡς φάρμακον ὂν τοῦ κακοῦ τὸ ἀγαθόν, τὸ δὲ κακὸν νόσημα· νοσήματος δὲ μὴ ὄντος οὐδὲν δεῖ φαρμάκου. ἆρ’ οὕτω πέφυκέ τε καὶ φιλεῖται τἀγαθὸν διὰ τὸ κακὸν ὑφ’ἡμῶν, τῶν μεταξὺ ὄντων τοῦ κακοῦ τε καὶ τἀγαθοῦ, αὐτὸ δ’ ἑαυτοῦ ἕνεκα οὐδεμίαν χρείαν ἔχει;’—‘ἔοικεν’ ἦ δ’ ὅς ‘οὕτως ἔχειν’—‘τὸ ἄρα φίλον ἡμῖν ἐκεῖνο … φίλον γὰρ ἡμῖν ἀνεφάνη ὂν ἐχθροῦ ἕνεκα, εἰ δὲ τὸ ἐχθρὸν ἀπέλθοι, οὐκέτι, ὡς ἔοικ’, ἔσθ’ ἡμῖν φίλον;’—‘οὔ μοι δοκεῖ’ ἔφη, ‘ὥς γε νῦν λέγεται’—‘πότερον’ ἦν δ’ ἐγὼ ‘πρὸς Διός, ἐὰν τὸ κακὸν ἀπόληται, οὐδὲ πεινῆν ἔτι ἔσται οὐδὲ διψῆν οὐδὲ ἄλλο οὐδὲν τῶν τοιούτων; ἢ πείνη μὲν ἔσται, ἐάνπερ ἄνθρωποί τε καὶ τἆλλα ζῷα ᾖ, οὐ μέντοι βλαβερά γε; καὶ δίψα δὴ καὶ αἱ ἄλλαι ἐπιθυμίαι, ἀλλ’ οὐ κακαί, ἅτε τοῦ κακοῦ ἀπολωλότος; ἢ γελοῖον τὸ ἐρώτημα, ὅτι ποτ’ ἔσται τότε ἢ μὴ ἔσται; τίς γὰρ οἶδεν; ἀλλ’ οὖν τόδε γε [Burnet: γ’] ἴσμεν, ὅτι καὶ νῦν ἔστιν πεινῶντα βλάπτεσθαι, ἔστιν δὲ καὶ ὠφελεῖσθαι. ἦ γάρ;’—‘πάνυ γε’—‘οὐκοῦν καὶ διψῶντα καὶ τῶν ἄλλων τῶν τοιούτων πάντων ἐπιθυμοῦντα ἔστιν ἐνίοτε μὲν ὠφελίμως ἐπιθυμεῖν, ἐνίοτε δὲ βλαβερῶς, ἐνίοτε δὲ μηδέτερα;’—‘σφόδρα γε’—‘οὐκοῦν ἐὰν ἀπολλύηται τὰ κακά, ἅ γε μὴ τυγχάνει ὄντα κακά, τί προσήκει τοῖς κακοῖς συναπόλλυσθαι;’—‘οὐδέν’—‘ἔσονται ἄρα αἱ μήτε ἀγαθαὶ μήτε κακαὶ ἐπιθυμίαι καὶ ἐὰν ἀπόληται τὰ κακά;’—‘φαίνεται’—‘οἷόν τε οὖν ἐστιν ἐπιθυμοῦντα καὶ ἐρῶντα τούτου οὗ ἐπιθυμεῖ καὶ ἐρᾷ μὴ φιλεῖν;’—‘οὐκ ἔμοιγε δοκεῖ’—‘ἔσται ἄρα καὶ τῶν κακῶν ἀπολομένων, ὡς ἔοικεν, φίλ’ ἄττα;’—‘ναί’—‘οὐκ ἄν, εἴ γε τὸ κακὸν αἴτιον ἦν τοῦ φίλον τι εἶναι, οὐκ ἂν ἦν τούτου ἀπολομένου φίλον ἕτερον ἑτέρῳ· αἰτίας γὰρ ἀπολομένης ἀδύνατόν που ἦν ἔτ’ ἐκεῖνο εἶναι, οὗ ἦν αὕτη ἡ αἰτία;’—‘ὀρθῶς λέγεις’—‘οὐκοῦν ὡμολόγηται ἡμῖν τὸ φίλον φιλεῖν τι καὶ διά τι· καὶ ᾠήθημεν τότε γε διὰ τὸ κακὸν τὸ μήτε ἀγαθὸν μήτε κακὸν τὸ ἀγαθὸν φιλεῖν;’—‘ἀληθῆ’—‘νῦν δέ γε, ὡς ἔοικε, φαίνεται ἄλλη τις αἰτία τοῦ φιλεῖν τε καὶ φιλεῖσθαι;’—‘ἔοικεν’.

bad thing' is not the same as to say that this good thing itself depends on the bad thing.[19])

T1 is often read as a rejection of the idea that love of goodness is caused by badness. Socrates' questions are rhetorical questions, it is said, and introduce a view in which goodness itself is the cause of its being loved.[20] A reason to read T1 in this way is that one supposes Plato to think that goodness always implies being loved, whatever happens to badness or its presence. In some contexts it can be right method to assume this. In this passage, however, the conditions of the lovability of goodness are the very subject of discussion. Here, assuming that goodness is always loved is a direct contradiction of what the text says in so many words. While if we do not make this assumption, there is no reason to think that Socrates and Menexenus do not mean what they say.[21]

In T2, then, Socrates takes it as established that good things are loved only if a lover is affected by something bad that he wants to get rid of. His subsequent observation that there are still beloved things when there is no badness implies, therefore, that goodness is not of the essence of love, since there is love beyond good and bad (claims 2, 3 and 4).

The crucial point is that there are desires that are not bad in themselves, that is, bad regardless of other features of the situation in which they appear. There may still be many situations in which desires do arise because of something bad, and in which satisfaction of these desires depends on a corresponding good thing. Given the necessary connection between desire and love, however, the meanest situation in which desire occurs without badness and goodness entails the falsity of an account that explains love as essentially aimed at goodness.[22]

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[19] One may object that goodness entails usefulness, and that Socrates ought to have said that goodness itself disappears when badness disappears, not just its status as φίλον (granted that the disappearance of badness has the consequences that Socrates alleges it has). We have to keep in mind, however, that the discussion of the *Lysis* is an uncommonly analytical one. The coextensiveness of usefulness and goodness cannot be taken for granted, whatever one's opinions on what Plato really thought.

[20] Trabattoni 2003, 143–511; Penner and Rowe 2005, 133–139; Bordt 1998, 83, 209–219, to mention some recent names only, who moreover consider the argument a *reductio ad absurdum*.

[21] The refutation holds within the *Bewusstseinshorizont* of the dialogue, says Peters 2001, 27, who, however, thinks that a full reading of the *Lysis* makes use of the two principles of Plato's real philosophy. Becker 1882, 303; Begemann 1960, 70–74, 243; Bolotin 1979, 172–173, 225; and Kühn 2000 also take the refutation seriously.

[22] The otherwise acute Versenyi 1975 errs in not taking this at face value.

Since Lysis, Menexenus, and Socrates have refuted this account, we ought to take them to be exploring OIKEION as a *new* explanation of love when they start discussing it. A second reason for this is that the new explanation is introduced in the same way as earlier explanations were. For if we look at how explanations succeed their predecessors, we discover two traits that they all share. One is negative, one is positive. First, there is no logical necessity that leads from one explanation to another. In the absence of this we often find appeals to proverbs or poets that suggest and introduce concepts for a new explanation.[23] Nor is the order of accounts random, however, for the second thing we detect in all of them is that they provide a remedy for the defect that made Socrates, Lysis, and Menexenus reject their immediate predecessor.

Thus the idea that opposition explains love is not the conclusion of an argument, and is introduced with reference to a line from Hesiod. At the same time it is a response to the flaw of the preceding theory of similarity: similar things, being similar, cannot be of any use to each other, while a thing often seeks precisely its opposite condition. Similarly in the case of the next theory of love. The key thought here is that there is a third, neutral, kind of thing in between good things and bad things. Once more it is not the outcome of an argument. It is brought into the discussion via a proverb and Socrates' joke that 'beauty is so slippery that it slips in between things when you try to grab it' (Pl. *Lysis* 216c1–d4). But here, too, we see that this theory remedies the flaws of its predecessor. While the theory of opposites failed to convince because many opposites are each other's direst enemies, the concept of neutrality avoids this problem and preserves the idea that the beloved should be useful to the lover.

These two features recur when the theory of *oikeiotês* is introduced:

(T3) 'So is it in fact the case, as we were saying just now, that desire is cause of friendship, and that what desires is friend to that thing it desires and at such time that it desires it, and that what we were previously saying a friend was, was some kind of nonsense, like a poem that's been badly put together.'

'Quite likely.'

'But,' I said, 'what desires, desires whatever it's lacking. Isn't that so?'

'Yes.'

[23] One may compare how for Aristotle dialectic depends on a εὐπορία of arguments (Arist. *Top.* 1.10, 8.14); the appeals to poets, writers, proverbs, and common associations function as Socrates' method of finding premises and arguments in the *Lysis*.

'And what is lacking, in that case, is friend of whatever it's lacking?'

'It seems so to me.'

'And what becomes lacking is whatever has something taken away from it.'

'Of course.'

'It's what belongs to us (*to oikeion*), then, that's actually the object of passion and friendship and desire, as it appears, Menexenus and Lysis.'

The two of them assented.[24]

While the preceding theory in terms of good and bad was not able to account for desires that do not take root in something bad, the new account departs from these desires. The pattern of earlier introductions recurs: the new theory remedies the particular failure of the previous account.

It will be obvious, too, that the argument that derives 'what belongs to us' (*to oikeion*) from 'desire' is not logically compelling. It is, instead, a series of associations, by means of which Socrates wants to find a viable candidate for identification as *to philon*. For example, in order for the step from 'desire' to 'lack' to work as an argument, we would need a very different sense of 'lack' than the sense we would need in order for the step from 'lack' to 'taken away' to work.[25] Here, as in the case of the appeals to poets and proverbs, Socrates is exploiting common associations with love in order to find a concept that can explain it, rather than following an argument to its logical conclusion.[26]

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[24] Pl. *Lys*. 221d2–e5: 'ἆρ' οὖν τῷ ὄντι, ὥσπερ ἄρτι ἐλέγομεν, ἡ ἐπιθυμία τῆς φιλίας αἰτία, καὶ τὸ ἐπιθυμοῦν φίλον ἐστὶν τούτῳ οὗ ἐπιθυμεῖ καὶ τότε ὅταν ἐπιθυμῇ, ὃ δὲ τὸ πρότερον ἐλέγομεν φίλον εἶναι, ὕθλος τις ἦν, ὥσπερ ποίημα Κρόνιον [Burnet: μακρὸν; Penner and Rowe opt for κακῶς] συγκείμενον;'—'κινδυνεύει' ἔφη.—'ἀλλὰ μέντοι' ἦν δ' ἐγὼ 'τό γε ἐπιθυμοῦν, οὗ ἂν ἐνδεὲς ᾖ, τούτου ἐπιθυμεῖ. ἦ γάρ;'—'ναί'—'τὸ δ'ἐνδεὲς ἄρα φίλον ἐκείνου οὗ ἂν ἐνδεὲς ᾖ;'—'δοκεῖ μοι'—'ἐνδεὴς [Burnet: ἐνδεὲς] δὲ γίγνεται οὗ ἄν τις [Burnet: τι] ἀφαιρῆται;'—'πῶς δ' οὔ;'—'τοῦ οἰκείου δή, ὡς ἔοικεν, ὅ τε ἔρως καὶ ἡ φιλία καὶ ἡ ἐπιθυμία τυγχάνει οὖσα, ὡς φαίνεται, ὦ Μενέξενέ τε καὶ Λύσι;'—συνεφάτην.

[25] In Rudebusch's outline of the argument (Rudebusch 2004, 71–72), the terms he uses do not have consistent meaning. Moreover, some of his causes (he presents the argument as a causal, not conditional, sequence) are really conditions, as in his premises 2 and 5. And even granted they are causes, they are not sufficient, so that we cannot conclude from 'B and A belong to each other' that 'B and A love each other'—we would need more causes to make them jointly sufficient.

[26] In this respect, this passage is most similar to 216c6–d4, where we also find Socrates guessing his way through, as it were, rather than taking a notion almost ready for use from one of the poets or writers of cosmologies. The δὴ in 221e3 ('τοῦ οἰκείου δή') does not have to indicate the conclusion of a logically compelling argument; it is just as easily read, for example, as 'so is it that οἰκεῖον after all (that people having been discussing so much)'.

The discussion, then, seems to take up each new theory in a structurally similar way. Since the passage about OIKEION is treated in the same way, it should be interpreted as a new explanation of love, too.

A final argument that this theory of love is introduced independently of a framework of goodness and badness can be found in its structure. I noted earlier that the question of the *Lysis*, 'What is *to philon*?', is underdetermined with respect to whether its answer has to provide something that is both lover and beloved, or something that is only a lover, or perhaps multiple things that serve different functions. And it is the things to which they refer that make the theory in terms of GOOD structurally different from the theory in terms of OIKEION. This is reason enough to consider them different answers, and therefore different explanations of the phenomenon of love.

The former theory—in terms of GOOD—identifies three essential items in any love: a good thing, a neutral thing, and a bad thing. Badness is designated the cause of love, the neutral thing the lover, and goodness the object of love, that which the lover needs, or wants to obtain. In addition to a separate cause of love, therefore, the theory specifies an active *philon* and a (different) passive *philon*. In other words, the theory accounts for asymmetrical love. The new suggestion, however, yields a different picture. It accounts for love in terms of only one essential item, *to oikeion*. In OIKEION activity and passivity are not separated; with this concept one can account for reciprocal love.[27] Understood in this way, and expanded to cover the human sphere, *to philon* seems to carry the connotations of 'friend':

(T4) 'The two of you, in that case, if you're friends to each other, in some way naturally belong the one to the other.'

'No doubt about it,' they said together.

'And if, then, any one person desires any other,' I said, 'you boys, or feels passion for him, he wouldn't ever desire, or feel passion, or love, if he didn't actually in some way belong to the one he is feeling passion for, either in relation to the soul or in relation to some characteristic of the soul, or ways or form.'

'Absolutely so,' said Menexenus; but Lysis said nothing.

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[27] If A loves B for aspect x and B loves A for aspect y, we may *loosely* say they love reciprocally, but in the strict logic of the *Lysis* we cannot say their *relation* is reciprocal; rather, these are two asymmetrical relations. GOOD cannot account for reciprocal love in this strict sense.

> 'Very well. What naturally belongs to us, then—it's become evident to us that it's necessary for us to love it.'
>
> 'It seems so,' he said.
>
> 'It's necessary, in that case, for the genuine lover, one who's not pretended, to be loved by his darling.'
>
> At that Lysis and Menexenus barely somehow nodded assent, but there was no mistaking Hippothales' pleasure, which made him go all sorts of colors.[28]

Socrates' claims are about friends as people who love *each other*, and are *oikeioi* to *each other* in some way. These are not shorthands for two one-sided relations that happen to involve the same people in different roles, as is shown by the statement that a lover is *oikeios* to his beloved. Socrates' identification of *to philon* as *to oikeion* thus identifies the ground for some objects being friends to each other; and in this way the notion of *oikeiotês* provides the explanation of both loving and being loved.[29] Very differently from the description of neutral lovers and good beloveds, therefore, the description that employs OIKEION provides Socrates with a specification of *to philon* which makes it an inherently reciprocal phenomenon.

If we now look at the larger context of both sections that we have focused on, we find that the implication of reciprocity of OIKEION was present too in such notions as 'that which is similar' and 'that which is opposite'. These were the subject of discussion in the dialogue up to the point (Pl. *Lysis* 216c) where Lysis, Menexenus, and Socrates started considering the theory according to which neutral things love good things. This latter theory marks an asymmetrical interval, as it were, between symmetrical theories of love. This feature adds a structural dimension to the argument that OIKEION is employed in a new theory of love.

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[28] Pl. *Lysis* 221e5–222b2: 'ὑμεῖς ἄρα εἰ φίλοι ἐστὸν ἀλλήλοις, φύσει πῃ οἰκεῖοί ἐσθ' ὑμῖν αὐτοῖς;'—'κομιδῇ' ἐφάτην'—'καὶ εἰ ἄρα τις ἕτερος ἑτέρου ἐπιθυμεῖ' ἦν δ' ἐγὼ 'ὦ παῖδες ἢ ἐρᾷ, οὐκ ἄν ποτε ἐπεθύμει οὐδὲ ἤρα οὐδὲ ἐφίλει, εἰ μὴ οἰκεῖός πῃ τῷ ἐρωμένῳ ἐτύγχανεν ὢν ἢ κατὰ τὴν ψυχὴν ἢ κατά τι τῆς ψυχῆς ἦθος ἢ τρόπους ἢ εἶδος;'—'πάνυ γε' ἔφη ὁ Μενέξενος· ὁ δὲ Λύσις ἐσίγησεν.—'εἶεν' ἦν δ'ἐγώ. 'τὸ μὲν δὴ φύσει οἰκεῖον ἀναγκαῖον ἡμῖν πέφανται φιλεῖν;'—'ἔοικεν' ἔφη.—'ἀναγκαῖον ἄρα τῷ γνησίῳ ἐραστῇ καὶ μὴ προσποιήτῳ φιλεῖσθαι ὑπὸ τῶν παιδικῶν;'—ὁ μὲν οὖν Λύσις καὶ ὁ Μενέξενος μόγις πως ἐπενευσάτην, ὁ δὲ Ἱπποθάλης ὑπὸ τῆς ἡδονῆς παντοδαπὰ ἠφίει χρώματα.

[29] Nicely captured in Pl. *Lysis* 222a5–6: τὸ μὲν δὴ φύσει οἰκεῖον ἀναγκαῖον ἡμῖν πέφανται φιλεῖν: is it necessary for us to love τὸ οἰκεῖον or has it dawned on us that τὸ οἰκεῖον necessarily loves?

4. *OIKEION still related to GOOD*

Theorist that he is, Plato is not content with a peaceful coexistence of different kinds of theory that purport to explain the same phenomena. There is more for us to say, therefore, about the relation between a goodness-based approach and an *oikeiotês*-based approach as they figure in the *Lysis*, beyond their mutual independence at first introduction.

We find Socrates trying to make different combinations of the pairs 'good'–'bad' and *oikeion*–*allotrion* ('alien'):

(T5) 'Shall we then also lay it down that the good belongs to everyone, and the bad is alien? Or that the bad belongs to the bad, to the good the good, and to the neither good nor bad the neither good nor bad?'

They both said it seemed to them like this, that each belongs to each.

'In that case,' I said, 'we've fallen back into things said about friendship that we discarded the first time round; for the unjust person will be friend to the unjust and the bad to the bad no less than the good to the good.'

'It appears so,' he said.

'And what's more, if we say that being good and belonging are the same thing, won't the good person be friend only to the good?'

'Yes, absolutely.'

'And yet we thought we had refuted that too, ourselves; or don't you remember?'

'We remember.'[30]

None of the combinations proves tenable—the fate of all proposals in the *Lysis*. As interesting as success or failure, however, is the direction Plato is taking in appending this passage to his earlier comments about OIKEION.

We see here that Plato is not a writer who loses all interest in ideas that have at some point been refuted; the terms 'good' and 'bad' are brought into play again, although the discussion has already shown that they

[30] Pl. *Lysis* 222c3–d8: 'πότερον οὖν καὶ τἀγαθὸν οἰκεῖον θήσομεν παντί, τὸ δὲ κακὸν ἀλλότριον εἶναι; ἢ τὸ μὲν κακὸν τῷ κακῷ οἰκεῖον, τῷ δὲ ἀγαθῷ τὸ ἀγαθόν, τῷ δὲ μήτε ἀγαθῷ μήτε κακῷ τὸ μήτε ἀγαθὸν μήτε κακόν;' οὕτως ἐφάτην δοκεῖν σφίσιν ἕκαστον ἑκάστῳ οἰκεῖον εἶναι. 'πάλιν ἄρα' ἦν δ' ἐγὼ 'ὦ παῖδες οὓς τὸ πρῶτον λόγους ἀπεβαλόμεθα περὶ φιλίας, εἰς τούτους εἰσπεπτώκαμεν· ὁ γὰρ ἄδικος τῷ ἀδίκῳ καὶ ὁ κακὸς τῷ κακῷ οὐδὲν ἧττον φίλος ἔσται ἢ ὁ ἀγαθὸς τῷ ἀγαθῷ;'—'ἔοικεν' ἔφη.—'τί δέ; τὸ ἀγαθὸν καὶ τὸ οἰκεῖον ἂν ταὐτὸν φῶμεν εἶναι, ἄλλο τι ἢ ὁ ἀγαθὸς τῷ ἀγαθῷ μόνον φίλος;'—'πάνυ γε'—'ἀλλὰ μὴν καὶ τοῦτό γε ᾠόμεθα ἐξελέγξαι ἡμᾶς αὐτούς· ἢ οὐ μέμνησθε;'—'μεμνήμεθα.'

cannot be fundamental in an explanation of love. What motivates Plato to return to them, I want to suggest, is his notion that a theory to explain love should also show why we often say 'good' and 'bad' when we speak about love: he considers these terms to be among the phenomena of love. The combinations that Socrates proposes are thus to be understood as different ways in which *oikeiotês* can fulfill this explanatory function.[31] If successful, the theory shows itself as a strong theory indeed, in explaining such a wide range of love-related phenomena—as it is, however, the project founders. Let us see how this takes shape in the text.

The first proposal is discussed last: it is that 'the good belongs (is *oikeion*) to everyone', later referred to as 'being good and belonging (being *oikeion*) are the same thing'. The second proposal is discussed first: it is that 'the bad belongs to the bad, to the good the good, and to the neither good nor bad the neither good nor bad'. In this proposal, items of the same value category are considered *oikeion* to each other. One way to conceive of this is by locating the source of the *oikeiotês* of these things precisely in their value. Thus bad will be *oikeion* to bad *because* they're both bad. However, if all it does is to draw attention to the values of things, it adds little to use OIKEION in speaking of love.

A more promising way to conceive of the idea that 'each belongs to each' is to posit a property in both items in a relation of love that makes them both *oikeion* and bad (or good, or neutral). Their *oikeiotês* points to their common possession of a property that also explains (and makes necessary) their common value.

An example, or what we may think of as an example, of this scenario has been sketched earlier in the dialogue. In T2 we encountered three types of desire: 'Then it's possible also to be thirsty and to desire any of the other things of this sort and sometimes to desire them beneficially, sometimes harmfully, and sometimes neither?' At the time, this observation was used to show that badness cannot be the cause of all love. The proposal to align good with good, bad with bad, and neutral with neutral offers us a model in terms of which to think of such desires as are mentioned in T2, allowing us to make the relations involved in this scenario more explicit. 'To desire beneficially' can be translated in terms of a good desire for a good object; some property of both the desire and the object makes them akin to each other, as well as good. Similarly, when it is said that someone can desire in a way that is neither beneficial nor

[31] Cf. Brink 1958 for the remainder of this section.

harmful, we can translate this in terms of a neutral desire for a neutral object; once more, a property shared by both desire and object makes them akin to each other and makes them neutral too.

Socrates returns to the proposal he made first when it turns out that the *oikeiotês* of items of equal value implies the friendship of bad (unjust) people, which is unacceptable. His reformulation of the first proposal is that 'being good and belonging (being *oikeion*) are the same thing'—the first time his formulation was 'the good belongs (is *oikeion*) to everyone'. In both cases, 'good' and '*oikeion*' have the same extension;[32] whenever something is *oikeion*, it is good; whenever good, *oikeion*. As a corollary of this, Socrates included, in the first version, the statement that 'the bad is alien (*allotrion*)'.

This proposal, too, can be understood in a number of ways, of which I would like to mention two. The first is a popular choice with interpreters. This begins by positing (or continuing to keep in mind from earlier passages) some entity that is identified as 'the good'. As noted above, there are multiple possible descriptions for this entity, including descriptions as the Form of the Good, as *eudaimonia*, and as knowledge. Next, on this reading, *oikeiotês* is predicated of this entity, *oikeiotês*, that is, to 'everyone', taking this reference in Socrates' first formulation to people in general seriously. In other words, on this reading, the good is akin to people. One could formulate this as a being geared towards the good on the part of human souls. They are not, one could say, complete without the good.[33]

A second way of understanding the identity of reference of *oikeion* and 'good' starts at the other end of the love relation. The constitution of the subject of love determines what objects or properties are to count as *oikeion* to the subject of love; these objects and properties we call 'good'. Whether an object is good or not, in this picture, depends on the

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[32] One could also read 'are the same thing' as 'mean the same', as a statement of the identity of meaning / sense of 'good' and 'οἰκεῖον', but that would be a very strong claim indeed, and would mean that this is not a reformulation of what Socrates has put forward before as 'the good is οἰκεῖον to everyone', but a different proposal. This would complicate an interpretation of this passage beyond necessity.

[33] In one way or another, this is the view that recurs in most interpretations, e.g. Penner and Rowe 2005; Trabattoni 2003; Bordt 1998 (who notes the problem of reciprocity, 226); Kosman 1976; Glaser 1935 (who interprets the *Lysis* using statements in the *Republic* (Pl. *Resp*. 487a, 611e) and the *Seventh Letter* (Pl. *Epistulae* 340a, 342d, 343e), to the effect that the soul of a good man is congenial with the virtues and knowledge he seeks: 58–63); Pohlenz 1916.

constitution of the lover. In this construal the end of love is relative,[34] but, importantly, relative to the objective constitution of the lover. One implication of this view is that there is no need to posit one entity only as an object of love. Indeed, different properties of the same object may be called 'good' with reference to different lovers; nor need such qualifications imply anything about the goodness of the object as a whole.

We may find an example of this way of viewing things in the sick body that has served Socrates as a test case throughout the dialogue. Itself neither good nor bad, the body desires medicine because of a disease. The introduction of OIKEION as a foundational concept allows for the ascription of value terms to the objects of love and to the objects of hatred. In this model, *oikeiotês* is a relation between object sought and seeking object, and its inverse, *allotriotês*, is the relation between object to be gotten rid of and object wanting to get rid of it. The crux of the model is that the constitution of the subject determines which is which. For instance, for a watery body that is threatened by drought, and which consequently seeks water, water is good and drought bad. It is not difficult to see how this story could be made a little more sophisticated in terms of the balance of elements often mentioned in ancient medicine.[35]

Compared to the first way of construing the thought that the good is *oikeion* to everyone, this second view is better able to accommodate the demand that love be reciprocal, a feature that Socrates has treated as implied in OIKEION itself. In positing one entity, perhaps even a transcendent one, as the objective end of all love, the first view is more in agreement with accepted views about Platonism. Too quick an acceptance of it, however, runs the risk of smoothing over the peculiarities of the dialogue's handling of OIKEION.

It is not clear in this case, however, that we have to choose one reading as the only right reading. From our examination OIKEION emerges as a rather Protean concept: supple material for a master dialectician, but hardly the stuff for firm conceptual boundaries. Perhaps that very flexibility is part of OIKEION.

In order to obtain a more substantial picture of what was in it for Plato to speak of love in terms of *oikeiotês*, we should examine other features of the text. In the discussion that Socrates has with Lysis and Menexenus, as well as in his description of what happens during that discussion,

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[34] Versenyi 1975, 195.

[35] An interesting use of τὸ οἰκεῖον in precisely this way is in the Hippocratic treatise, *On the Use of Liquids*, VI.122.2,5 and 124,3 Littré = Potter 1995, 324, 326.

we find three aspects of OIKEION that are worth exploring: reciprocity (section 5), the family-character (for short) of friendship (section 6), and the qualification of *oikeiotês* as natural (section 7).

5. *OIKEION and reciprocity*

As he introduces OIKEION, Socrates also sees an opportunity to apply his provisional results to the situation of Lysis and Menexenus, in T4. His observations have an additional flavor because they concern an erotic attachment of which the boys who are supposed to respond to Socrates' questions may be wary. His dialectical moves are being closely watched.

In effect, the transition from the passage in which OIKEION is introduced (T3) to the application of this concept to actual loves (T4) has caused unease among interpreters, and in particular the statement that a lover would not love 'if he didn't actually in some way belong to the one he is feeling passion for'. 'How is it … that we have moved from *oikeiotês* … as a property of the object of love … to *oikeiotês* as a property of the *subject*?'[36]

What is essential here is to realize that it is OIKEION itself that opens the way for Socrates to make this transition. In the statements that led up to the introduction of OIKEION there was, sure enough, very little that would warrant a conclusion about reciprocity. Still, precisely such a conclusion is accepted at the level of the dialogue. Unless we want to turn Menexenus and Lysis into utterly blind respondents, therefore, we had best interpret this passage as working with an understanding of OIKEION that includes reciprocity.

An objection to this: does not Lysis' silence at the statement 'if he didn't actually in some way belong …' show that he has *not* agreed with the move?[37] I do not think it does. It is very much a significant silence, but it does not signify that Lysis objects to Socrates' inference. In a conversation like this, with room for questions and doubts (e.g. Pl. *Lysis* 216c4, 217d1), a response that would express disagreement with an inference is 'I do not

[36] Penner and Rowe 2005, 164; 'The argument Socrates uses is not only poor but appalling': Rowe 2000, 211; Bordt 1998 changes the phrase 'wenn [der Liebhaber] nicht eigentlich seinem Geliebten irgendwie angehörig wäre' in his translation into 'ist der Geliebte [dem Liebhaber] irgendwie … angehörig' (33, 223); Socrates' use of the masculine form οἰκεῖοι 'provoziert also ein falsches Verständnis davon, was das Angehörige ist' (224); Price 1997, 8; Robinson 1986: 76; etc.

[37] Rowe 2000, 212.

think so.' A failure to respond signifies that one dislikes what follows from what is being said, but that one nonetheless does not see how to object to it.[38]

Two more brief comments about the way OIKEION is used here. First, the reciprocity inherent in it seems to make it different from the way *oikeios*-words are used in other contexts in Plato. In the *Republic* and in the *Charmides*, for instance, *oikeia* are things that are up to one, to which one must stick if one is to do one's function well, or if one wishes to avoid sticking one's nose into other people's business.[39] In these uses, it is good to note, we find the word in the neuter (*to oikeion*, *ta oikeia*) because it refers to things. It is hard to conceive of this type of *oikeion* to be used to speak of people; however, this is precisely the purpose of *to oikeion* in the last part of the *Lysis*; here we find a neuter because it is an abstraction, and refers to a quality that people have.[40]

It is also worth noting that it is this very aspect of OIKEION that proves the downfall of the theory of *oikeiotês* in the dialogue (see T5). It is dismissed as a useful explanation of love when it transpires that there are no successful combinations of OIKEION with GOOD and BAD, and this is because OIKEION is understood to imply reciprocity.

6. *OIKEION and family*

A reading of the *Lysis* shows us that the notion of 'belonging together in some way' is very important in love. Even if a simple enumeration of cases is of limited value, let us note: the characterization of both Hippothales and Lysis (the former being in love with the latter) as being bashful (Pl. *Lysis* 204b–c, 207a, 213d); the characterization of Ctesippus and Menexenus (who are relatives and friends) as both keen on an argument (Pl. *Lysis* 204c–205d, 211b–c); the brief chat with Menexenus and Lysis (Pl. *Lysis* 207c) in which they show themselves unwilling to let the other have the honor of being first in birth, wealth, beauty; lastly, the confession of friendship on Socrates' part after having had a shared experience with his new friends (Pl. *Lysis* 223b).

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38 What it is precisely that Lysis does not like I do not know. A plausible suggestion is that he sees the next one coming, the statement that a beloved must love his lover, and he does not like that (so, e.g., Bolotin 1979, 185; the contrast between a silent Lysis and a beaming Hippothales makes this an attractive suggestion).

39 E.g. Pl. *Resp.* 343e3, 376b6, 443d3, 463b12–14; Pl. *Chrm.* 163c5, d2.

40 On the types of οἰκεῖον compare Eernstman 1932, 1–25.

An important aspect of OIKEION as an explanatory concept is that it can easily make explicit such relations of 'belonging together'. And so Socrates does make them explicit in T4; he does not, however, make them clear. Belonging together 'in some way', 'either in relation to the soul or in relation to some characteristic of the soul, or ways or form', is as precise as he gets. But then, precision is not his aim in this dialogue. The potential for making clear in what aspect precisely lovers are *oikeioi* to each other is there.

In this respect OIKEION is much like SIMILAR; hence a peculiar move in the text just before T5: ' "are you prepared," I said, "since we're intoxicated with our argument, that we should agree to say that belonging is something different from being like?" '[41] Drunkenness helps them across the argumentative difficulty that an equivalence between OIKEION and SIMILAR would imply that *oikeioi* cannot benefit each other any more than people who are like each other could (Pl. *Lysis* 214e–215a), and hence the former cannot be lovers for the same reason as the latter. How exactly to interpret this move I do not know (is the implication that in a sober state one would recognize OIKEION as being indeed identical with SIMILAR?), but it does indicate the close relation between these terms.

The use of OIKEION in discussions about love imports into them the associations of a phrase like *hoi oikeioi*. This phrase is often used together with *philoi*, when both are meant to pick out a group of people as one's supporters, for instance, or as those for whom one has special responsibility. Although the two terms do not strictly speaking refer to separate groups, *philoi* in such a case covers those with whom one does not have a familial connection, *oikeioi* one's relatives. Use of *oikeiotês* to designate the basis of *philia* thus allows for highlighting of the features of love mostly associated with familial connections. For example, patterns of friendship formation are often predicated on shared experiences and environments. Or, in closer connection with the necessity of loving that Socrates mentions, the familial overtones of *oikeiotês* may carry an implication of permanence that one might wish to emphasize in certain contexts.

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[41] Pl. *Lysis* 222c1–3: [']βούλεσθ' οὖν' ἦν δ' ἐγὼ 'ἐπειδὴ ὥσπερ μεθύομεν ὑπὸ τοῦ λόγου, συγχωρήσωμεν καὶ φῶμεν ἕτερόν τι εἶναι τὸ οἰκεῖον τοῦ ὁμοίου;'—'πάνυ γε.'

7. *Natural* oikeiotês

An interesting feature of T4 is its inclusion of *phusis*, 'nature'. It is an implication of Menexenus and Lysis being friends, Socrates says, that they, in some way, *naturally* belong to each other. And in his necessity claim, a few lines down, he repeats the same phrase 'what naturally belongs to us'. What is this natural quality of *to oikeion*?

In between the two statements that I have just drawn attention to, Socrates expands on the relation of belonging in the sentence we have also been looking at already: '[no one would ever love] if he didn't actually in some way belong to the one he is feeling passion for, either in relation to the soul or in relation to some characteristic of the soul, or ways or form'. This makes plausible that our two cases of *phusis* refer to the constitution of the friends concerned.[42] But Socrates' reason for including the term has not thereby been given.

If *phusis* needs to be added to qualify *oikeion*, that means that OIKEION does not itself necessarily involve nature (solely). On the other hand, the (argumentatively) unmotivated, but apparently (for the others) unproblematic, addition of *phusis* does indicate a ready association of this term with *oikeion*, at least in this context, the context of love.

Perhaps *phusis* is necessary to prevent any misunderstanding that the relevant *oikeiotês* is about possession, or about biological familial connection. Indeed, if Gonzalez gets it right, Socrates here adds his bit to a debate on *oikeiotês* that had already been of central concern in sophistic discussion, a debate in which some kind of natural kinship had been put up as a rival to conventional kinship.[43]

If nothing else, the expansion into the different types of soul-based *oikeiotês* indicates that Socrates takes the qualification *phusei* seriously. The one thing that it implies without any doubt is that Socrates takes OIKEION to be about the make-up of the lovers. Their love has to do with the way they are.[44]

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[42] This is what the word means in most cases—rather than a more universal notion of nature in our sense—as is shown in Beardslee 1918; Holwerda 1955 goes so far as to say that φύσις basically corresponds to εἶναι, both in its absolute and predicative senses; on φύσει see *ibid.* 44.

[43] See Gonzalez 2000, 387–397, and his reference to Hippias' claims about natural kinship in the *Protagoras* (Pl. *Prt.* 337c7–d3). The suggestion that there is a type of natural bond that makes the biological bond appear conventional has the same socially disruptive feel as the first conversation of Socrates with Lysis (Pl. *Lysis* 207–210), particularly Socrates' remark about something οἰκειότερον than father or mother (Pl. *Lysis* 210c2).

[44] So also Glidden 1981, 58; Glidden does not, however, make clear what is meant by

This perspective on OIKEION agrees with the possible role we found for it as a source for attributions of the terms 'good' and 'bad' in section 4. Socrates' example of a sick body illustrated for us how the goodness that we attribute to objects of love can be explained in terms of their *oikeiotês* to the constitution of the lover—the sick body, in the example. When Socrates uses the body as an example, it is safe to assume that he wants to say something about the mind. Perhaps he found in OIKEION the most appropriate way to express that value is rooted in the way things are, and to point to the psychical constitutions of lovers as the essence of their love.

8. *Conclusion*

The strength of the *Lysis* is in the rigor and versatility with which it proposes and examines theories of love. From its discussion of *oikeiotês* we gather something about what it meant to Athenians to be *oikeios* to, or with, someone; and we see how flexibly this concept can be used to describe personal relations, and attitudes towards others and self.

It was presumably not merely personal predilection on Plato's part to want to connect *oikeiotês* to the domain of value covered by 'good' and 'bad'. But its closeness to many aspects of personal relations must have made *oikeiotês* itself a promising feature of the social world to examine too. Its ready associations of reciprocity and natural belonging-together pave the way for a theoretical elaboration specifically geared towards personal interaction and social cohesion. At least as noticeable, however, is the ease with which *oikeiotês* can be invoked to fit different schemes of value. While this, too, can be taken as an indication that its reference lies beyond good and bad, a concept of such potential may be a suspicious ally for those who want to do (the) good. What is good measure in caring for one's own? Blood is thicker than water; that is natural, but is it good? Another may protest that it is a specious use of words, intended to alienate people from themselves and their most natural responses, to oppose good to *oikeion* in this way. This opposition itself may be part of our inheritance from theorists who, in their Athenian environment, favored one set of concepts over another when they sought to frame the most appropriate form of human relations.

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saying that what one loves is one's own, nor does he address Plato's subsequent attempt to connect τὸ οἰκεῖον and τὸ ἀγαθόν.

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CHAPTER THIRTEEN

NOT VALUING OTHERS: REFLECTIONS OF SOCIAL COHESION IN THE *CHARACTERS* OF THEOPHRASTUS

Ivo Volt

1. *Introduction*

The *Characters* of Theophrastus is a remarkably original work in the corpus of ancient Greek literature.[1] Whatever its original purpose or form, this relatively short set of character sketches has provided later generations of students and scholars with much material for discussion, even if its manuscript tradition has been considered the most corrupt among classical Greek authors.[2] Recently, Halliwell has noted that '[h]owever exactly one weighs the value of the *Characters* as historical evidence for specificities of social life, its judgements and nuances can be read in a way that casts a sharp sidelight on the operations of socio-ethical norms'.[3] Indeed, these sketches have much to tell us about various aspects of Athenian social and cultural values, including, as I will argue in this chapter, social cohesion and the notion of 'belonging together' as a community of fellow citizens.

Beyond Theophrastus' obvious desire to highlight, for comic effect, the boorishness or stupidity of his character-types, I would like to suggest that he is also interested in playing out the effects of this kind of negative behavior on prevailing norms of social interaction and interpersonal value.

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[1] Throughout this chapter, I cite from Diggle's (2004) Greek text and English translation (slightly modified) of the *Characters*.

[2] Cf. Rusten 2002, 3; Diggle 2004, 20. In the preface of his 1909 OCT edition, Hermann Diels regretted 'hunc aureum libellum plumbeas epitomatorum manus non effugisse'. Cf., however, Lane Fox 1996, 128: '[u]nderneath, humanity has survived intact'.

[3] Halliwell 2008, 238. This more or less repeats the opinion expressed in Halliwell 2004, 131.

2. *Spheres of social interaction in the* Characters

The sketches of the *Characters* as they are found in the MSS mostly follow a similar pattern, allowing some variations. They begin with an abstract title, which is echoed in the following definition and is always a cognate of the following *nomen agentis*, which introduces the description of the trait.[4] There follows the actual sketch, i.e. the description of the behavior of a type, which seems to focus on behavioral regularities and does not offer any analysis or motive for the behavior and actions described in it.[5] A moralizing or generalizing conclusion, surely of later origin, is appended to some chapters.[6] Although the sketches contain a number of timeless elements, the descriptions are, as a whole, located in a specific time and place—Athens of the fourth century BCE. Lane Fox has noted that eight sketches mention detailed institutions or settings which we know to be distinctively Athenian, but many other sketches also refer to contexts which are well attested in Athenian life, and no sketch mentions anything which has to be referred to a city other than Athens.[7] Thus, the customs, practices, and prejudices of that time and place form the background of the behavior of the types. Or, to put it differently, the activities described in the sketches form an integral part of the exercise of Athenian citizenship.[8] All characters can be considered to be grown-up and free, male, Athenian citizens,[9] and the evidence for

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4 The *communis opinio* today is that all definitions are spurious (Stein 1992, Diggle 2004; cf., however, Lane Fox 1996, 164 n. 140, and see Rusten 2002, 31–32). In any case they were added very early in the transmission, as they can be detected in papyrus fragments (perhaps from the first century BCE but certainly from the third century CE). The definitions should not be treated as merely 'banal' (Diggle 2004, 17); rather, they are useful evidence of the text's reception. Note that Diggle uses *nomina agentis* rather than the abstract nouns as the titles of the chapters and mentions the latter only in the apparatus. He seems to consider the abstract titles as a later change or addition as well.

5 See Fortenbaugh 1975; 1981; 2005, 88–89; and his other writings concerning the *Characters*. Cf. also Smeed (1985, 4): 'The inner man emerges from this description of externals.' These 'externals' are not, however, important only in themselves or in the service of a comic aim, but also, and perhaps rather, as a way of showing how moral features manifest themselves. See also Worman 2008, 275; Diggle 2004, 12; and Furley 1953.

6 Theophr. *Char.* 1, 2, 3, 6, 8, 10, 26, 27, 29.

7 Lane Fox 1996, 129.

8 Cf. Goldhill 1999, 1.

9 See Lane Fox 1996, 129–130. Bodei Giglioni (1980, 77–78) doubts this in three cases (Theophr. *Char.* 2, 6 and 23), but there seems to be no reason for this. Cf. also Leppin 2002, 39; Millett 2007, 34–35.

cooperative values within these portraits suggests a strong foundation in democratic ideals.[10]

At least some of the types belong to the upper reaches of the Athenian social pyramid, although we cannot assume that all of them do.[11] Three of the sketches refer to liturgies (Theophr. *Char*. 22.5, 23.5, 26.6); the man of petty ambition is a *hippeus* (Theophr. *Char*. 21.8); symposia are implied in several examples, and figures for prices and spending are high (Theophr. *Char*. 23.8, 30.13, 21.5). Some of the characters are bound to over-aim by their nature, such as the boastful man (Theophr. *Char*. 23), who mentions grandiose offers and purchases, but actually lives in a rented house, which was not customary for a rich citizen in Attica.[12] It has been noted that when he speaks of spending two talents on clothing (Theophr. *Char*. 23.8), the sum is a sign of his character, not of regular wardrobe-expenses among the rich.[13]

As a rule, the sketches are depicted in a limited variety of situations and locations that were most common in classical Athens and formed an important part of the social network of the city. The sketches convey several levels of social interaction related to these situations or locations, and can, therefore, be studied at various levels of social engagement. The reactions of various types differ in similar situations and locations, which can be an important aspect in assessing each type.

At the highest level we must distinguish between *polis* and *oikos* as the two principal constituents of the Greek society. Aristotle famously considered the *oikos* as the basic social unit of the *polis*.[14] At the same time it is widely accepted that the Athenian *polis* did not generally interfere with the internal workings of the *oikos*, and that there was a separation between the public and the private sphere of life.[15] Relations within the institutions of *polis* and within *oikos* form the background of all Theophrastean types. Between, around, and within these general notions one can distinguish several levels of social interaction, which are often inextricably intertwined and not mutually exclusive.

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[10] Leppin 2002, 55.

[11] Lane Fox 1996, 130; cf. also Bodei Giglioni 1980, 79–83.

[12] Cf. Osborne 1988, 311–315 and Lane Fox 1996, 130.

[13] Lane Fox 1996, 130.

[14] Arist. *Pol*. 1253b1–14; cf. *Pol*. 1260b8–27, *Eth. Eud*. 1242a40–b2. Whether the *oikos* is a nuclear household or something more dynamic and wide-ranging is contested: see especially Cox 1998, 132–135.

[15] Roy 1999; cf. also Hansen 1998, 88, 136–137.

The public sphere includes behavior at the court, in the Assembly, participation in delegations, trierarchies, etc. Then there are the religious, economic, and cultural sphere, which would include cultic behavior, business dealings, theater, sports, gymnasia, and schools. In the social arena we find many Theophrastean characters interacting with each other as friends and relations at the agora, symposia, or baths, while visiting each other, or when lending and borrowing, etc. Finally, within familial contexts we find representations of relationships between and among household members, women, children, and slaves, in a variety of locations.

3. *The public playground*

Situations related to the public sphere and the basic functioning of the *polis* are very important in the *Characters*. These include engagement in politics, especially through participation in the Assembly. The aim of the author is not so much to show how the Assembly functions and how decisions are made, but rather to portray it as a place where the antisocial behavior of his various types can be displayed.[16]

The most conspicuous in this regard is certainly the oligarchic man (ὀλιγαρχικός, Theophr. *Char*. 26).[17] Apparently speaking at a democratic Assembly, the man is a fervent supporter of the power of few, or even monarchy. He suggests getting rid of the mob (ὄχλος), the agora, and the court, stopping courting office, doing away with compulsory public services (λειτουργίαι) and trierarchies.[18] His anti-democratic political statements are presumably protected by the democratic commitment to extensive freedom of speech (παρρησία).[19] Halliwell has noted that there is a directly political point in the sketch, 'a distaste for the operations of democracy,' at the same time emphasizing the allusion to the

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[16] For the Assembly in general see Hansen 1987.

[17] The MS V (*Vat. gr*. 110, our only source for this chapter except a papyrus, *P.Oxy*. 699, which is of no help here) has ὀλίγαρχος, otherwise unattested. Editors since Casaubon have usually adopted his emendation. See Diggle 2004, 140 (apparatus) and 465.

[18] Theophr. *Char*. 26.3, 5. The trierarchies were indeed abolished during the oligarchic regime of Demetrius of Phalerum between 317 and 307 BCE, and never reinstated (Diggle 2004, 33, with further bibliography).

[19] Cf. Halliwell 2004, 129; 2008, 234. On Theophr. *Char*. 26 see also Ober 1998, 365–366; on free speech in classical antiquity in general see Sluiter and Rosen 2004.

'overcrowding' and 'vulgarity' of the agora and the commercial quarter surrounding it.[20] This social mixing is where politics retreats and direct value judgments come to play. It is especially clear in the scene where the oligarchic man tells others how ashamed he is (αἰσχύνεται) in the Assembly when some scrawny type (λεπτός) who has not used oil (αὐχμῶν) sits beside him.[21] Indeed, it is the question of 'us' over 'them', the upper-class elite versus the mass (Theophr. *Char*. 26.3):

> We must meet and discuss this on our own … It's either them or us: we can't both live in this city.
>
> δεῖ αὐτοὺς ἡμᾶς συνελθόντας περὶ τούτων βουλεύσασθαι … ἢ τούτους δεῖ ἢ ἡμᾶς οἰκεῖν τὴν πόλιν.

I do not think it would be quite right to dismiss this type entirely by calling him an eccentric in the time of high democracy (dramatic date before 322 BCE),[22] one of the 'upper-crust out-of-touch reactionaries' who are 'material for caricature, whatever the political climate',[23] or 'a blustering ineffectual figure, not to be taken seriously'.[24] It has even been suggested that Theophrastus and his audience might have shared at least some of the political views expressed by the oligarchic man, and that perhaps distance has deliberately been created (how *not* to promote oligarchy) by turning him into a comic figure who is, in addition, intellectually deficient.[25]

The Assembly can also be a showplace of quite opposite value judgments. The 'friend of villains' (φιλοπόνηρος, Theophr. *Char*. 29) can be considered a synonym of the democrat when used in aristocratic and oligarchic circles, and thus has a political tinge to it.[26] The word seems to be a neologism of the fourth century (and the abstract φιλοπονηρία is

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[20] Halliwell 2004, 127 and 2008, 232.

[21] Theophr. *Char*. 26.4. Diggle 2004, 473 emphasizes that αὐχμῶν does not mean 'squalid, unwashed' (as suggested by LSJ and others), but rather 'not anointed with oil', noting that, like undernourishment, lack of oil is attributable to poverty. 'In any case', he adds, 'an unwashed neighbour will prompt repulsion or nausea, not shame.'

[22] See Diggle 2004, 32–36.

[23] Diggle 2004, 35.

[24] Diggle 2004, 463.

[25] Millett 2007, 91. Note that the oligarchic man knows only one line of Homer (οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω, Hom. *Il*. 2.204).

[26] Cf. Diggle 2004, 499, who also notes that, as 'πονηρός was a convenient label to stick on a political or legal opponent … φιλοπονηρία is not necessarily a liking for behaviour which violates an agreed moral code but may rather be a liking for a cause of which you happen to disapprove.'

a Theophrastean *hapax*).[27] In the *Characters*, the friend of villains supports, at the court or in the Assembly, people who have been defeated in the lawcourts and have lost public cases (Theophr. *Char*. 29.2). Indeed, the court is perhaps an even more important location for expressing the behavior of the types, reflecting the significance of litigation in the Athenian society.[28] Some of the situations in the sketches are played out at the court; in other cases we see communication after a trial or about the court. All in all, direct references to court can be found in almost half of the sketches.[29] While all these instances underline the disrupting effect of the types' behavior, a few are especially relevant in the context of this chapter. In the case of the friend of villains, one should emphasize the conventional polarization πονηρός / χρηστός (villain / honest), which the man challenges: nobody is honest and all people are the same.[30] Compare the eulogy of the πονηρός in *Char*. 29.4:

> He describes the villain as 'a man of independent character' … for in fact he is smart, loyal, and shrewd.
>
> καὶ τὸν πονηρὸν δὲ εἰπεῖν ἐλεύθερον … ⟨εἶναι⟩ γὰρ αὐτὸν εὐφυᾶ καὶ φιλέταιρον καὶ ἐπιδέξιον.

It is at the end of the sketch that we notice that this 'democratic stance' has really become an obsession, when the man acts as a patron over the lowest citizens (προστατῆσαι φαύλων, Theophr. *Char*. 29.6) and sits in the jury when the process involves some kind of villainy (συνεδρεῦσαι ἐν δικαστηρίοις ἐπὶ πονηροῖς πράγμασι, *ibid*.).[31]

Another case that may be mentioned is the obsequious man (ἄρεσκος, Theophr. *Char*. 5), who, when called in to an arbitration, wants to please not only the man whose side he is on (the man who appointed him) but also his opponent, so that he may be thought impartial (κοινός τις, Theophr. *Char*. 5.3). Comparable to this is the ἀπονενοημένος,[32] who is

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[27] Before Theophrastus, φιλοπόνηρος is found only in Aristotle (Arist. *Eth. Nic*. 1165b16: φιλοπόνηρον γὰρ οὐ χρὴ εἶναι, οὐδ' ὁμοιοῦσθαι φαύλῳ) and Dinarchus (fr. 42 = Pollux 6.168).

[28] Cf. especially Christ 1998, and the chapters by Christ and van 't Wout in this volume. Aristophanes famously mocks this addiction to litigation in his comedies (Ar. *Vesp*. 764–1008; *Pax* 505).

[29] In addition to the ones mentioned below, cf. Theophr. *Char*. 7.8; 12.5, 13; 13.3; 14.3; 17.8; 26.5; 27.9.

[30] Cf. Diggle 2004, 499.

[31] The latter has also been interpreted in a more aggressive way, 'sit with them (sc. the riff-raff) on the jury to see that villainy is done', Diggle 2004, 153, cf. 505. See also Millett 2007, 91.

[32] Diggle 2004 translates ἀπονενοημένος as 'The Man Who Has Lost All Sense' (cf.

described as being capable of playing the plaintiff as well as the defendant (Theophr. *Char*. 6.8), but in his case, the court is a suitable setting for displaying his indifference to the possibility that someone would accuse him of lacking integrity.[33]

The cases that mention communication after a trial include the dissembler (εἴρων) commiserating with people whom he has attacked behind their back when they have lost a lawsuit (Theophr. *Char*. 1.2). This conflicts with conventional morality, which dictates that enemies should be treated as enemies, and insults openly resented.[34] The repulsive man (βδελυρός), on the other hand, when offering his congratulations to a man who is leaving court after losing an important case (Theophr. *Char*. 11.7), is not simply being tactless, as this kind of action is part of his behavioral regularity.

Some of the relevant situations within the public sphere also involve the duty of the trierarchy, which consisted in maintaining the efficiency of a trireme for one year and which was the most important public duty that a citizen or a group of citizens could fulfill.[35] As noted above, the oligarchic man demands the abolishment of compulsory public services and trierarchies (Theophr. *Char*. 26.5). The boastful man (ἀλαζών), on the other hand, boasts with sums that he has given out, noting that he has not included the trierarchies and other public services (*Char*. 23.6).[36]

The *Characters* also contain some references to further political vocabulary. It was noted above that the statements of the oligarchic man are protected by the democratic freedom of speech. In fact, παρρησία is explicitly mentioned in one of the sketches, viz. that of the slanderer (κακολόγος). In *Char*. 28.5, the man is described as liable to talk to people with whom he is sitting about the man who has got up (possibly to speak?), not stopping before he has abused his relatives, as well. It is not

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the critique in the review by Nancy Worman, *Classical World* 100.4 (2007), 470–472); Millett 2007 has suggested 'Morally Degraded Man'.

33 Millett 2007, 91.

34 Dover 1974, 180–184; Diggle 2004, 170.

35 Cf. Dem. 21.156 and see Jebb and Sandys 1909, 126–127; Diggle 2004, 424; Gabrielsen 1994. The trierarch bore the heaviest expense of all liturgists. Note that the illiberal man is depicted serving as a trierarch and spreading the helmsman's mattress on the deck for himself while stowing his own away (Theophr. *Char*. 22.5).

36 Boasting of liturgies was a common tactic of the orators, and sometimes they also characterize it as ἀλαζονεία, see Dem. 21.169, 36.41, Aeschin. 3.101 with Diggle 2004, 440–441.

entirely clear where this situation plays, but Assembly is once again a conceivable setting.[37] The next and final section summarizes the slanderer's credo (Theophr. *Char.* 28.6):

> He will particularly speak ill of his own friends and relatives and of the dead, claiming that slander is only another word for free speech and democracy and liberty, and he is never happier than when he is engaged in it.
>
> καὶ πλεῖστα περὶ τῶν φίλων καὶ οἰκείων κακὰ εἰπεῖν καὶ περὶ τῶν τετελευτηκότων, ⟨τὸ⟩ κακῶς λέγειν ἀποκαλῶν παρρησίαν καὶ δημοκρατίαν καὶ ἐλευθερίαν καὶ τῶν ἐν τῷ βίῳ ἥδιστα τοῦτο ποιῶν.

Freedom of speech, democracy and liberty are intrinsically linked.[38] Here the use is naturally euphemistic and can be compared to the eulogy of the πονηρός in *Char.* 29.4, cited above. Of course one should take into account the confusion around the limits of free speech that was present in classical Athenian texts as it often is in modern world. As Halliwell has noted, a particular tension was attached to aischrology in democratic contexts, as it increased the potential for offensiveness.[39]

It is quite remarkable that Theophrastus has deemed it necessary to include assembly and court in the depictions of so many types, pointing out situations and locations that are particularly sensitive in the public life of the city. The importance of these institutions becomes quite clear, as different people are depicted displaying their lack of social intelligence on this background.

But Athenian public institutions also included a quite different venue, viz. the theater, which is also prominently featured in the *Characters*. The types who are depicted at the theater use this as just another place for displaying their habitual behavior.[40] In some cases, the effect is extremely disrupting. The loquacious man (λάλος), who prevents others from watching the play by his constant talking (Theophr. *Char.* 7.8), seems quite innocent in comparison with the repulsive man, who applauds at the theater when no one else is applauding, and hisses actors whose performance the audience is enjoying. As if this were not enough, he waits for a silent moment, then raises his head and burps to make spectators turn around (Theophr. *Char.* 11.3).

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[37] Cf. Diggle 2004, 497.

[38] Diggle 2004, 498; cf. Hansen 1991, 73–85.

[39] Halliwell 2004, 132 and 2008, 239. One may recall the personal invective exchanged by Demosthenes and Aeschines; cf. also Worman 2008, 314–315.

[40] Cf., e.g., Theophr. *Char.* 2.11, 5.7, 7.8, 9.5, 11.3, 14.4, 22.2, 30.6.

Religious behavior may be considered here, as well. I will not touch upon the sketch of the superstitious man (δεισιδαίμων, Theophr. *Char.* 16), which is entirely devoted to the result of ἀβελτερία and exaggeration in religious practices. Most of the actions and attitudes of this man would probably not have seemed abnormal to the ordinary Athenian; what sets him apart is the obsessiveness and compulsiveness of his behavior.[41] Thus, the type is perhaps more accurately translated as over-pious.

Apart from this sketch, we see abnormal religious behavior in the case of several types.[42] The shameless man (ἀναίσχυντος), for example, salts the meat and stores it away after having held a sacrifice to the gods, and dines out at another's (Theophr. *Char.* 9.3). It was customary to invite friends and relations to a feast that followed the sacrifice, or send them presents of food (cf. Theophr. *Char.* 15.5). It may seem that the man is stingy, but the emphasis is on his dining out, which in this case is shameless.[43] The penny-pincher (μικρολόγος) makes the smallest offering to Artemis of any of the diners at a communal dinner (Theophr. *Char.* 10.3). The tactless man (ἄκαιρος) arrives with a request for payment of interest when people are engaged in a sacrifice and incurring heavy expense (Theophr. *Char.* 12.11).[44] The self-centered man (αὐθάδης) is described as apt to withhold credit from the gods, i.e. not to offer thanks to them (Theophr. *Char.* 15.11). The offensive man (δυσχερής) scratches himself while sacrificing (Theophr. *Char.* 19.5). Further, he blasphemes when his mother has gone out to the augur's, and during a prayer and the pouring of a libation he drops his cup and laughs as if he had done something clever (Theophr. *Char.* 19.7–8; this might be from a different sketch). At his daughter's wedding, the illiberal man (ἀνελεύθερος) sells the meat from the sacrifice (all but the priests' share) and tells the hired waiters to bring their own food (Theophr. *Char.* 22.4). Taking oaths can also be considered part of religious behavior. Thus, the ἀπονενοημένος is said to take an oath too readily (Theophr. *Char.* 6.2); and when the overzealous man (περίεργος) is about to swear an oath, he says to the bystanders that he has sworn oaths many times before (Theophr. *Char.* 13.11).

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[41] Diggle 2004, 350.

[42] Cf. Millett 1991, 294 n. 30: 'The *Characters* as a whole are testimony to the pervasiveness of religion in Athens.'

[43] Cf. Xen. *Hell.* 3.1.24 and see Diggle 2004, 293.

[44] The last part of the sentence follows Diggle's interpretation (2004, 325); according to others (e.g. Rusten 2002, 89), ἀναλίσκοντας here means 'consuming' a sacrifice.

4. *Who needs friends?*

As we have seen, the public playground of the *Characters* hardly leaves any important public institution of Athens untouched. While value expressions in these contexts may often be related to people *qua* citizens, a substantial part of the work is connected to the question of what sort of value one places in another *qua* human being. Behavior with one's friends and companions and transgressing the traditional principles of *philia* are arguably the most common topics of the *Characters*.[45] Some of the types are too excessive in pursuing *philia* (cf. especially the flatterer, Theophr. *Char.* 2, and the obsequious man, Theophr. *Char.* 5); others undervalue its importance (cf. the boor, Theophr. *Char.* 4, and the self-centered man, Theophr. *Char.* 15). Indeed, as Millett has succinctly noted, 'the work could almost be read as a guide to friendship in reverse'.[46] The word *philos* is mentioned in almost half of the sketches, in altogether sixteen instances.[47] In addition, we see notions that refer to a more general form of *philia*, viz. that generated by the κοινωνία of the *polis*, its demes and phratries.[48]

The flatterer (κόλαξ) and the obsequious man (ἄρεσκος) are good examples of different behavior in similar situations. The flatterer is, of course, always playing the toady to his 'master', but this also means that he vilifies or at least offends other people—he tells the company to be quiet when He is speaking, and tells anyone who comes his way to stop until He has gone past (Theophr. *Char.* 2.4–5). The obsequious man, on the other hand, greets anyone from a distance, expresses his admiration, embraces him with both arms, and will not let him go, coming a little way with him and asking when he will see him again (Theophr. *Char.* 5.2). The flatterer buys fruits, presents them to his master's children while their father is watching, and gives them a kiss and calls them 'chicks of a noble

[45] Theophrastus also wrote a treatise *On Friendship* (Περὶ φιλίας), which, according to Diogenes Laertius (Diog. Laert. 5.45), consisted of three books (the work is also mentioned by Jerome, *In Michaeam* 2.7 [= fr. 532 FHSG] and Aulus Gellius 1.3.10 [= fr. 534 FHSG], for which see especially Fortenbaugh 2003, 150–161). We can only guess what the actual scope and character of this treatise were and in what relation it stood with Theophrastus' other works, as well as Aristotle's conception of friendship and that of later Hellenistic and Roman authors (cf. Fortenbaugh 1984, 111; Konstan 1997, 132-33).

[46] Millett 1991, 284 n. 14.

[47] Theophr. *Char.* 2.8, 4.6, 8.2, 14.7, 15.7, 17.2, 17.9, 20.9, 22.9, 24.9, 25.2, 25.6, 28.6, 30.5, 30.12, 30.19. Cf. also φιλέταιρον in Theophr. *Char.* 29.4.

[48] Fellow members of a deme and a *phylê*: cf. Theophr. *Char.* 10.11, 25.6.

sir' (χρηστοῦ πατρὸς νεόττια, Theophr. *Char.* 2.6). He makes sure that the father of the children sees his generosity. The obsequious man, when he is invited to dinner, asks his host to call in his children and declares that they are as like their father as two figs; then he draws them to him and kisses them, sits down beside them and plays with them (Theophr. *Char.* 5.5), seeming eager to please both them and their father.

Although it has been doubted whether we should take account of Aristotle's writings on virtues and vices when studying the *Characters*, I do not think it is possible to entirely ignore the Peripatetic background of Theophrastus. He must have been familiar with Aristotle's notions of positive mean (μεσότης, τὸ μέσον) and two negative extremes, deficiency (ἔλλειψις or ἔνδεια) and excess (ὑπερβολή), even if he does not follow his teacher's divisions of human ethical qualities in the *Characters*.[49] In connection with *philia* we should recall that in Aristotle's *Nicomachean Ethics* (Arist. *Eth. Nic.* 1108a26–30), both the flatterer and the obsequious man represent excesses belonging to *philia*, and in the *Eudemian Ethics* (Arist. *Eth. Eud.* 1221a7–8) flattery is an excess of *philia*, while obsequiousness belongs to dignity (σεμνότης).[50]

An important aspect of *philia* that is eminent in the *Characters* is concerned with lending, borrowing, and contributing to a collection (ἔρανος), and the uncooperative behavior of various types in this situation. An ἔρανος in Athens was an interest-free individual loan supplied by several lenders whose contributions varied according to their means and the requirements of the borrower.[51] The *Characters* contain no less than five references to this reciprocal institution, all of them showing different attitudes towards it and thus indirectly revealing the ideology underpinning it.[52] Although the Greek text in *Char.* 1.5 is corrupt,[53] the dissembler apparently refuses to contribute to such a loan—not because he is mean but just for the sake of dissembling that he has no money. The

[49] For the most elaborate systematized account of this tripartite system in Aristotle see *Eth. Nic.* 1107a32–1108b6, which lists thirteen pairs of vices in relation to the mean, for each range of emotion or sphere of action. Note that six of the deficiencies and three of the extremes mentioned in this list are presented as separate sketches in the *Characters* (εἰρωνεία, ἀγροικία, ἀναισχυντία, ἀναισθησία, ἀνελευθερία, δειλία resp. κολακεία, ἀρέσκεια, ἀλαζονεία; cf. Theophr. *Char.* 1, 4, 9, 14, 22, 25 resp. *Char.* 2, 5, 23).

[50] In *Eth. Nic.*, too, Aristotle notes that obsequiousness is an extreme belonging to a *nameless* mean, which most resembles *philia* (Arist. *Eth. Nic.* 1126b11 ff.).

[51] For ἔρανος see especially Millett 1991, 153–159.

[52] Millett 1991, 153–154.

[53] Cf. Diggle 2004, 175.

self-centered man first refuses a friend, when he asks for a contribution to an ἔρανος, but then comes along with it, adding that this is 'more money wasted' (Theophr. *Char*. 15.7). In *Char*. 17.9, the ungrateful grumbler (μεμψίμοιρος) is the one for whom the friends have got together a loan. When one of them says 'Cheer up', he answers, 'How do you mean? When I have to refund every one of you and on top of that be grateful for the favor?' One of the most natural candidates for depicting in relation with this kind of loan is the illiberal man who, when word has reached him that a friend is raising a subscription, cuts down a side-street on seeing him approach and takes a roundabout way home (Theophr. *Char*. 22.9). Finally, the boastful man boasts with sums that he has given out for an ἔρανος (Theophr. *Char*. 23.6). Notice that in three of these five ἔρανος cases in the *Characters*, it is explicitly mentioned in the text that this reciprocal institution involves φίλοι.[54]

While the ἔρανος is a special case, other aspects of lending and borrowing can be seen in the *Characters*, as well. These are concerned, e.g., with excessive pursuing of debts and interests by the penny-pincher (Theophr. *Char*. 10.2, 10), who also forbids his wife to lend small items like salt, a lamp-wick, cumin, marjoram, barley meal, fillets, or sacrificial grain, claiming that these 'add up to a tidy sum in the course of a year' (Theophr. *Char*. 10.13). The shabby profiteer (αἰσχροκερδής) has come up with a clever idea and borrows money from a visitor who is staying with him, probably hoping that the guest leaves the town before the loan is repaid (Theophr. *Char*. 30.3). His other little trick is to pay a debt of thirty *mnai* back four drachmas (i.e. one coin) short (Theophr. *Char*. 30.13), a sum that nobody will notice. The shameless man goes back to a creditor whose money he is withholding and asks for a loan (Theophr. *Char*. 9.2), or goes to a neighbor's house and borrows barley or straw, and makes the lender deliver it to his doorstep (Theophr. *Char*. 9.7). When the distrustful man (ἄπιστος) asks his debtors for interest payments he has his witnesses present so that they cannot deny the debt (Theophr. *Char*. 18.5); and when someone comes asking for the loan of cups, he would rather say no altogether, but if he has to oblige a member of the family or a close relative he will lend them only after he has all but checked the quality and weight of the metal and practically got someone to guarantee the cost of replacement (Theophr. *Char*. 18.7).

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[54] Theophr. *Char*. 15.7, 17.9, 22.9; cf. also Millett 1991, 156.

Behavior with friends and acquaintances is reflected at several levels. One of these is direct communication between them or, in some cases, lack of it. This is connected with expressing value judgments insofar as the recipient is concerned. The types themselves just exercise their behavioral regularities, some of which may seem more disruptive to the established social cohesion than others. Of the long list of verbal exchange between the types and their victims, as it were, some more conspicuous examples should suffice. Thus, when the dissembler has heard something, he says he has not; if he has made an agreement, he says he does not remember it (Theophr. *Char*. 1.5). Although the situation here is not specified, we can imagine a conversation with friends or at least acquaintances. The boor (ἄγροικος) is said to distrust his friends and family, preferring to discuss important business with his slaves (Theophr. *Char*. 4.3). The repulsive man calls out the name of a passer-by who is a complete stranger to him (Theophr. *Char*. 11.5). The tactless man goes up to someone who is busy and asks his advice (Theophr. *Char*. 12.2), and invites a man who has just returned from a long journey to go for a walk (Theophr. *Char*. 12.7). The ungrateful grumbler says to someone bringing him a piece of food sent by a friend, 'He did me out of the soup and wine by not inviting me to dinner' (Theophr. *Char*. 17.2). The disagreeable man (ἀηδής) comes in and wakes up a man who has just gone to sleep, to have a chat (Theophr. *Char*. 20.2). The coward uses a wounded friend to cover up his cowardice in the battle (Theophr. *Char*. 25.5–8). The shabby profiteer is the kind who does not provide enough bread when he gives a feast (Theophr. *Char*. 30.2). In addition, when he is serving out helpings, he says that it is right and proper that the server should be given a double helping and so he proceeds to give himself one (Theophr. *Char*. 30.4). He sells watered-down wine to his friend (Theophr. *Char*. 30.5), and when he is oiling himself in the baths he says to his slave that the oil he bought is rancid, and uses someone else's (Theophr. *Char*. 30.8). He takes a cloak to the cleaner's and borrows one from an acquaintance, and puts off returning it for several days until it is demanded back (Theophr. *Char*. 30.10). When he entertains members of his phratry, he asks for food for his slaves from the communal meal, and he has an inventory made of the radish-halves left over from the table, to prevent the slaves waiting at the table from taking them (Theophr. *Char*. 30.16). When he is abroad with acquaintances, he uses their slaves and hires out his own without sharing the proceeds (Theophr. *Char*. 30.17), etc.

The self-centered man (Theophr. *Char*. 15), and especially the arrogant man (ὑπερήφανος; Theophr. *Char*. 24), are naturally the most unfriendly

of the types. Anti-social behavior towards friends can be seen in almost every scene of these sketches. For example, when asked, 'Where is so-and-so?' the self-centered man replies, 'Don't bother me' (Theophr. *Char.* 15.2). He does not return a greeting (Theophr. *Char.* 15.3), he will not wait long for anyone (Theophr. *Char.* 15.9), etc. The arrogant man tells someone who is in a hurry that he will meet him after dinner while he is taking his stroll (Theophr. *Char.* 24.2). He says that he never forgets a good turn that he has done (Theophr. *Char.* 24.2), but at the same time he will never be the one to make the first approach (Theophr. *Char.* 24.6). As he walks in the street he does not speak to passers-by but keeps his head down and looks up only when it suits him (Theophr. *Char.* 24.8). When he gives a dinner for his friends, he does not dine with them but tells one of his employees to look after them (Theophr. *Char.* 24.9), and he refuses visitors while he is putting on oil, bathing or eating (Theophr. *Char.* 24.11). The expressions he uses are also arrogant (Theophr. *Char.* 24.13): 'I want this done' (βούλομαι γενέσθαι), 'I have sent to you to pick up …' (ἀπέσταλκα πρὸς σὲ ληψόμενος), 'no alternative' (ὅπως ἄλλως μὴ ἔσται), and 'immediately' (τὴν ταχίστην). Notice the abundance of direct speech in these sketches. This might be an indication of colloquial language but is also connected with more general ways of presenting the behavioral regularities through both actions and speech.

5. *Thanks for nothing*

Of the thirty Theophrastean character types, three are explicitly connected with financial matters and different kinds of love for money. Penny-pinching (Theophr. *Char.* 10) and illiberality (Theophr. *Char.* 22) are here both concerned with expenses. Shabby profiteering (Theophr. *Char.* 30) is more concerned with greed and gain, although the sketch also has some characteristics of the two former types. The shabby profiteer is especially important in this connection. The emphasis here is on how he acts, i.e. the problem is not so much that he is greedy, but that he is greedy in things that were explicitly connected with traditional Athenian ways of behavior. This constitutes the baseness of his character; he pursues profit, neglecting some core issues of the Greek democratic society, e.g. hospitality (Theophr. *Char.* 30.2–3), respect towards friends and relatives, duties imposed by kinship ties (Theophr. *Char.* 30.5, 11, 12), and various civic duties.

This is related to the Athenian concept of χάρις (favor, gratitude), which functioned at both individual and national level.[55] The individual who had received a gift owed his benefactor a favor in return.[56] At the national level, this χάρις relationship was institutionalized into a system of liturgies. Thus, litigants who had performed remarkable liturgies could demand the juror's sympathy.[57] Indeed, as Ober has noted (Ober 1989, 230),

> [r]ich litigants could use monetary donation to the state to 'buy off' the resentment that their wealth, power, and privileges naturally aroused among the less well-to-do jurors. This *charis* relationship provided a way for the upper classes to purchase insurance against the threat of social revolution and so to preserve the greater part of their property. It also helped to maintain mass acceptance of the general validity of unequal wealth distribution.[58]

In addition, the responding of public opinion with appropriate χάρις resulted in enhanced τιμή.[59] The shabby profiteer is one example of the man who is neglecting all his social duties, including those of liturgies. Thus, he also has no right to appeal to the χάρις relationship whenever this would be needed.[60]

6. *Funny or not?*

As we have seen in the previous sections, many social issues specifically concerned with valuing others are reflected in the *Characters*. But an important question remains: was Theophrastus genuinely interested in highlighting such social issues, or were they deployed simply as part of an overall comic strategy? Do we have here, in other words, a text written primarily for entertainment, or with what we might regard as a serious didactic intention?

Opinions about the general purpose of the *Characters* have always been diverse. In the course of its reception, the work has been connected with ethics, rhetoric, and poetics, to name the three most popular

[55] Ober 1989, 226 ff.

[56] The importance of the notion of χάρις among φίλοι is disputed: cf. especially Millett 1991, 109–126; Konstan 1997, 81–82; and again Millett 2007, 151 n. 259.

[57] Cf. Lys. 21.17, 25; Isoc. 18.66–67; Isae. 7.41, with Ober 1989, 229.

[58] Naturally, this was closely connected with bribery (see Ober 1989, 236–238).

[59] Millett 2007, 69.

[60] Compare, in this respect, also Theophr. *Char.* 10, 22, 23.

fields.[61] Recent editions and commentaries of the *Characters* tend to emphasize the element of entertainment of that work.[62] The issue of entertainment was raised early on by one of the most distinguished nineteenth-century editors of the *Characters*, Richard Jebb, who noted that '[t]he difficulty is, not that the descriptions are amusing, but that they are written as if their principal aim was to amuse'.[63] In fact, Jebb concludes that, basically, the sketches are so funny that, even if there was some other aim in composing them, it is lost to the ears of the one who reads them. When Peter Green noted that 'Jebb's old theory that Theophrastus wrote these sketches for the private amusement of his friends, and that they were only collected and published after his death, seems no longer to be taken seriously by scholars', he added: 'but it has, I think, a great deal to be said for it'.[64]

Thus, one is often under the impression that the comic is all there is to the *Characters*, or at least that entertainment prevails. Indeed, it has been claimed that 'the work lacks all ethical dimension'.[65] This does not seem quite right: it certainly has an ethical dimension as well, although ethical theorizing was apparently not Theophrastus' aim in writing the *Characters*, and this ethical dimension is not of the same kind that can be seen in Aristotle's theoretical works. The sketches have obvious connections with the ethical treatises of Aristotle in that several traits share the same name as vices in Aristotle's tripartite system of virtues and vices. It seems probable that the treatment of vices in Aristotle's works, albeit more abstract than the descriptions of Theophrastus,[66] has nevertheless influenced Theophrastus in some way. Recently, Paul Millett has also contested Diggle's assessment, suggesting that 'the ethical elements, so laboriously recreated by Byzantine readers, are implicit in the understanding common to author and original audience'.[67] He

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[61] For a recent synopsis see Diggle 2004, 12–16; cf. also Millett 2007, 125 n. 58; Volt 2007, 104ff.

[62] Cf., e.g., Rusten 2002, 22; Lane Fox 1996, 141; Diggle 2004, 15.

[63] Jebb and Sandys 1909, 13. The reference is to the second edition, supplemented by J.E. Sandys. The first edition appeared in 1870.

[64] Green 1993, 68 (first published 1990).

[65] Diggle 2004, 12. Cf. also Ranocchia 2007, 135, according to whom the Theophrastean types are 'moralmente indifferenti'. I do not think that is the same thing as to say that their purpose is not philosophical.

[66] Cf. Diggle 2004, 7: 'his persons exist, for the most part, out of time and space, moral paradigms, not flesh and blood'.

[67] Millett 2007, 127 n. 69. These 'Byzantine readers' are supposedly the ones who supplemented the work by adding moralizing conclusions to some of the sketches. This anonymous editor may also have been the author of the fictitious preface attached to

also speaks of '[s]hared experience and expectations' that 'provided an implicit moral commentary on the *Characters*, which later generations have found it necessary to supply for themselves'.[68]

Although Theophrastus' sketches are funny, and no doubt intentionally so, I believe that is not all they are. To be sure, we know from our sources that Theophrastus was a lively lecturer who could, for example, enrich his lectures with similar illustrative material.[69] However, overrating the work's entertainment value seems to neglect the important role that is given in the text to depicting anti-social behavior and the lack of social intelligence. Fortenbaugh has emphasized that many of the traits depicted by Theophrastus seem to fall within Aristotle's category of dispositions in his discussion of social interaction (Arist. *Eth. Nic.* 1126b11–12),[70] and Ussher has suggested that the sketches exhibit social rather than moral transgressions of the norm.[71] Theophrastus has focused on the most important aspects of the social networks of the *polis*, applying what may be called the Peripatetic fascination with taxonomy to depicting character types.[72] The *Characters* may be a work of fictional literature, but it is also a work by a scientist who has collected information largely based on popular morality in his contemporary society. It is, as Halliwell has put it, 'a collection that seems to embody a peculiar mixture of philosophical and at least quasi-comic standards'.[73] We cannot exclude the didactic aspect, either, concealed in the form of what might be called social satire, as amusement and entertainment is certainly not all there is to satire.

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the *Characters*. Note, however, that the definitions are not Byzantine additions, as Millett (2007, 3) accidentally seems to suggest.

[68] Millett 2007, 31.

[69] Athenaeus describes his way of lecturing in *Dinner of the Sophists* 1.21a–b (= Theophrastus, fr. 12 FHSG = Hermippus, fr. 51 Wehrli). In addition to characterizing Theophrastus, the passage has considerable similarities with Theophrastean sketches: 'Hermippus says that Theophrastus would arrive at the Peripatos punctually, looking splendid and well dressed, then sit down and deliver his lecture, refraining from no movement or gesture. And once while imitating a gourmet, having stuck out his tongue, he licked his lips.' Diggle (2004, 16) believes Theophrastus may have used the sketches of the *Characters* in a similar way while lecturing. Cf. also Millett's discussion of the performance element (Millet 2007, 31).

[70] Fortenbaugh 2005, 88.

[71] Ussher 1993, 27.

[72] Gutzwiller 2007, 141. Cf. Green 1993, 68, who suggests that the *Characters* might be 'an attempt to apply the principles of botanical classification to human beings, to typologize men as one would flowers'. See also Millett 2007, 28 and 132 n. 99.

[73] Halliwell 2004, 130 (repeated in Halliwell 2008, 237–238).

7. *Conclusion*

Even as a work of fiction, the *Characters* undeniably reflect certain actual historical circumstances and ideological underpinnings. Until recently the *Characters* have not been a very popular source book for historians, largely because scholars cannot agree on the 'accuracy' of Theophrastus' vignettes.[74] The composition and structure of the *Characters*, however, seem to suggest that this is a very systematic work, with quite specific concerns about Athenian social practices and norms that are well documented in other sources. Most of the types that Theophrastus included in his collection would have been well known to his public, it seems, and his selection based more or less on popular conceptions. If we accept that the definitions and, following Diggle, the abstract titles are later additions, we would only have one character introduced by Theophrastus with a neologism (μικροφιλότιμος, Theophr. *Char*. 21; a specific case anyway, as this seems to be a restriction of the Aristotelian φιλότιμος). Most of the other types depicted by Theophrastus are, insofar as they continually transgress social norms, very popular in genres that naturally feed on such behavior, particularly comedy and forensic oratory. These two genres are routinely considered our most important source for the study of popular morality in the ancient Greek society,[75] which may, in fact, tell us much about the sources and background of Theophrastus' work.

As we have seen, the sketches in Theophrastus' *Characters* contain well considered descriptions of general patterns of behavior of types who have abandoned certain basic communal values important for the functioning of the society. The types weary their fellow citizens morally, emotionally, and intellectually. Their estimates of situations are inadequate, and this results in actions that are reprehensible. In short, the types display a general lack of social intelligence. This is an important aspect of Theophrastus' work, and should be emphasized more alongside their undeniably comic effect.[76]

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[74] See especially Lane Fox 1996 and Leppin 2002.

[75] See especially Dover 1974 and cf. Taylor 1990.

[76] I owe thanks to the anonymous reviewer and the editors for helpful comments and suggestions throughout this chapter.

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CHAPTER FOURTEEN

EVALUATING OTHERS AND EVALUATING ONESELF IN EPICTETUS' *DISCOURSES*

Gerard J. Boter

1. *Introduction*

The choice of becoming a teacher of Stoic philosophy must have taken a lot of courage: the teacher of Stoicism is bound to fail in two ways. As a teacher, he knows that there will always be pupils who fail to accomplish the tasks he assigns them, either because they are unwilling or because they are unable to do so. He will be teaching a subject, after all, in which only two or three men have reached perfection, so it is hardly realistic to expect that one of his pupils will do so.[1] On top of this, he is teaching a subject in which he has not even reached perfection himself.

Epictetus, one of the three major representatives of the Imperial Stoa (the others being Seneca and the emperor Marcus Aurelius), had a school in Nicopolis in Epirus.[2] Arrian,[3] one of his pupils, has recorded a number of his lectures known as the *Diatribes* or *Discourses*. Here we see Epictetus constantly confronted with the problems sketched above: falling short of being a perfect sage himself, watching his pupils fail to do what they are supposed to do, realizing the difficulty of attaining the high goal

[1] When asked to point out an instance of the truly wise man, the early Greek Stoics only came up with the name of Socrates. In Epictetus' times Cynicism gained much popularity; Epictetus gives a very idealized and stoicized picture of Diogenes, the founder of Cynicism. In addition to this duo, the Romans boasted their Cato Uticensis. For the importance of the figure of Socrates in Epictetus see Gourinat 2001 and Long 2002; for Diogenes see Billerbeck 1978 and Schofield 2007.

[2] For an up-to-date overview of Epictetus' life and works see Fuentes González 2000. The first study of Epictetus' teaching methods is Bruns 1897. Other fundamental studies on the subject are Hijmans 1959 and Long 2002.

[3] For Arrian as the source for our knowledge of Epictetus see, e.g., Hartmann 1905; Wirth 1967; Bosworth 1972; Brunt 1977; Long 2002, 38–44.

of Stoicism. In this chapter I will investigate the ways in which Epictetus evaluates his students, and himself, with regard to their capacity for moral improvement and their proficiency in philosophy. All people fall short of the highest moral standard, but they are not all to be reproached to the same degree, as is clear from the different ways in which Epictetus evaluates them and from the different treatment he applies to them. All people are in need of moral improvement, but Epictetus does not regard everyone as equally capable of following philosophical instruction. Epictetus does not exclude himself from the people he judges: the errors he exposes in others he detects in himself as well. In the last resort, Epictetus' various ways of evaluating others and evaluating himself constitute an integrated element of his educational system.

After some general remarks on the character of the *Discourses* I will first discuss the ways in which Epictetus judges laymen, i.e. people who do not have any philosophical training. Next I will turn to his opinion of people who somehow or other claim to be philosophers. Subsequently, the way is paved for the main subject: Epictetus' attitude towards his pupils.

2. *Some remarks on the character of the* Discourses

Before addressing how Epictetus evaluates his pupils and other people it is necessary to look at the character of the *Discourses*. Much scholarly attention has been paid to the 'genre' of the diatribe in general, both in pagan and Christian literature.[4] With regard to Epictetus, there is general agreement that the instruction as exemplified in the *Discourses* is only part of the philosophical instruction he offers to his pupils. From a number of passages in the *Discourses* it appears that much attention was devoted to logic and to the interpretation of writings by the great Stoics of the past, in particular Chrysippus. But the technical part of Epictetus'

[4] Epictetus' *Discourses* are often designated as *Diatribes*, but it seems wise to avoid this term. The term 'diatribe' is often used as if it were a definite and fixed literary genre in antiquity. That is not so: the term is a modern invention, used for popular philosophical discourses, in which the speaker is engaged in discussions with (often fictitious) interlocutors. See, e.g., Uthemann 1997, 530–531. For a good recent overview of the 'diatribe' see Wehner 2000, 14–18, 23–25. Important studies quoted by her include Wallach 1974, Stowers 1981, and Schmeller 1987.

education is never exemplified in practice in the *Discourses*: these are devoted predominantly to the moral aspects of philosophy. Two aims are prominent: on the one hand, Epictetus always insists on the importance of working hard on the technical aspects of Stoicism; and on the other, he never tires of pointing out that these technical aspects do not constitute a goal in themselves but that they serve to attain the ultimate goal of acquiring the steady and rationally founded conviction that one should live one's life in accordance with Nature.[5]

The *Discourses* contain many dialogical parts.[6] In some cases an interlocutor is introduced explicitly, for instance at 1.11.1, 'When an official came to see him' (ἀφικομένου δέ τινος πρὸς αὐτὸν τῶν ἐν τέλει).[7] In many places, however, it is uncertain whether a particular remark is made by someone who is actually present or by a fictitious interlocutor.[8] Schenkl, whose edition of the *Discourses* is still the standard text, introduces the remarks made by a real character with a dash, printing the first word with a capital, whereas he puts the remarks by fictitious interlocutors within quotation marks.[9] Wehner[10] generally accepts Schenkl's distinction while admitting that there are no unequivocal criteria for distinguishing between real and fictitious characters.

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[5] The almost complete absence of practical instruction in logic in the *Discourses* should not lead to the conclusion that Epictetus did not attach much importance to logic: see, e.g., 1.26 (with Dobbin's commentary); a very short demonstration (eight lines of text only) of the necessity of logic is given in 2.25. Cf. Long 2002, 117; Crivelli 2007. For a sketch of the complete curriculum presented in Epictetus' school see, e.g., Hijmans 1959, 41–48. For a full treatment of the importance of logic in the Imperial Stoa see Barnes 1997.

[6] Wehner 2000 gives a very thorough analysis of the dialogical structure of the *Discourses*, paying attention to every aspect.

[7] Translations from the *Discourses* are borrowed from Oldfather 1925, 1928 (sometimes slightly adapted); translations from the *Encheiridion* come from Boter 1999.

[8] With the term 'fictitious interlocutor' I intend to designate a character which is not actually present, but which speaks through Epictetus' own mouth. In the *Discourses* interlocutors, whether fictitious or not, are often introduced by means of φησί, 'he says'. This is similar to, but not identical with, the phrase φαίη τις ἄν, which we encounter often in other texts (e.g. Dem. 19.89; Plut. *Mor.* 484E): the potential optative introduces a hypothetical interlocutor without suggesting that he is actually present, the indicative presents the non-present and fictitious interlocutor as actually present. See Wehner 2000, 175 ff. Wehner starts her discussion of the fictitious interlocutor with the statement, 'Die Auseinandersetzung mit einem fiktiven Interlocutor wurde in der Forschung immer wieder als ein Hauptkennzeichen der Gattung "Diatribe" gewertet' (references in her n. 289 on p. 175).

[9] See Schenkl 1916, cxv.

[10] See Wehner 2000, 64 with n. 32; 176, with n. 296; and esp. 206–209.

In those places where Epictetus uses the second person plural we can usually be confident that he addresses the pupils present in the classroom.[11] The second person singular can be used for addressing all pupils together, individual pupils, and fictitious characters: this is the so-called 'kommunikatives Du'.[12] The distinction between these usages is often blurred; see, e.g., 3.23.9 ff., where Epictetus starts with a 'kommunikatives Du'; next, Epictetus reports a discussion between a pupil and a young man he overheard the day before; from § 13 on, this pupil is personally engaged in discussion with Epictetus if we accept Schenkl's presentation of the text. I think we should not do so in this case: given the structure of the passage I think that the interlocutor in §§ 3 ff. is fictitious as well.[13] On the other hand one might wonder if the distinction is really that important for our purpose: when Epictetus makes a fictitious character give a reply or raise an objection, this must belong to the type of thoughts which were actually current among his real pupils: if not, what lesson could his pupils learn from the discussion?[14] In 2.19.19 ff., for instance, there is a smooth transition from a fictitious interlocutor to the second person plural: here Epictetus extends the harsh words he says to this fictitious interlocutor ('Why did you call yourself a Stoic?') to his actual pupils ('Observe yourselves and you will find that most of you are Epicureans').

With regard to the authenticity of the *Discourses* there is general consensus that the *Discourses* are reports of discussions and lectures which have actually taken place. With regard to authorship, however, there is no unanimity among scholars. It is almost universally assumed that Epictetus did not write down anything himself but that all the texts we have were written down by his pupil Arrian.[15] Some scholars hold that Arrian made stenographic reports of Epictetus' lectures so that we

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[11] Cf. Wehner 2000, 61. Wehner mentions a few exceptions to the rule, namely passages like 1.22.6, where Epictetus addresses Agamemnon and Achilles; but in such places there is no room for doubt.

[12] Wehner 2000, 59.

[13] Wehner 2000 (cf. n. 10) is skeptical of Schenkl's attribution to real and fictitious interlocutors; I think we should be far more skeptical still.

[14] Similarly Wehner 2000, 175: 'Gleichzeitig wird sich Epiktet, um den Hörerkreis direkt anzusprechen, beim Fingieren von Einwürfen an typischen Fragen aus dem Publikum orientiert haben, so daß die fiktiven und realen Einwände beziehungsweise Fragen sehr nahe beieinander liegen.' In n. 292 she refers to Schmeller 1987, 24 and 29, who holds a similar view.

[15] See Fuentes González 2000, 122–123. A minority of scholars (e.g. Stellwag 1933, 11–13 and Dobbin 1998, xxi–xxiii) believe that Epictetus is at least to some extent responsible for the final written version of the *Discourses*.

have his very own words; others claim that Arrian freely composed the *Discourses*, based on his master's words.[16] In a fine analysis of 1.11, Wehner[17] arrives at an intermediate position: Arrian based his writings on what he heard from Epictetus but did not hesitate to mix up these reports with elements of his own invention.[18]

3. *Evaluating laymen*

The large majority of people live their lives without any philosophical or even moral reflection. Accordingly, it is inevitable that these people usually make wrong decisions, based on their false opinions. The basic error of such people, according to Epictetus, is that they confuse 'the things under our control' with 'the things not under our control', τὰ ἐφ' ἡμῖν and τὰ οὐκ ἐφ' ἡμῖν.[19] Time and again Epictetus evokes such people; besides anonymous and fictitious interlocutors he shows a special predilection for people with (political) power and mythological characters.[20] Representatives of the first group are usually introduced to show that they wrongly believe that they can wield power over those in an inferior position. Epictetus points out that their power is confined to the bodies of their subjects, not to their 'moral choice', προαίρεσις.[21] The very first chapter gives a good instance of such a discussion (Epict. 1.1.23–26):

> 'Tell your secrets.' I say not a word; for this is under my control. 'But I will fetter you.' What is that you say, man? fetter *me*? My leg you will fetter, but my moral purpose not even Zeus himself has power to overcome. 'I will throw you in prison.' My paltry body, rather! 'I will behead you.' Well, when did I ever tell you that mine was the only neck that could not be severed?

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16 The first view is represented by Hartmann 1905, 248–275 and Bosworth 1972, 163–185; the second for instance by Wirth 1967, 149–189, 197–216.

17 Wehner 2000, 38–40.

18 Only occasionally I will refer to the *Encheiridion* ('Manual'), which gives a brief survey of Epictetus' philosophy. Here the dialectical element is confined to a few instances. See Wehner 2000, 251–260.

19 The paramount importance of these concepts in Epictetus' philosophy already becomes apparent from the title of the first chapter of the first book, Περὶ τῶν ἐφ' ἡμῖν καὶ οὐκ ἐφ' ἡμῖν; the opening sentence of the *Encheiridion* runs: Τῶν ὄντων τὰ μέν ἐστιν ἐφ' ἡμῖν τὰ δὲ οὐκ ἐφ' ἡμῖν.

20 See Wehner 2000, 136–156 and 157–175 respectively.

21 For the concept of προαίρεσις in Epictetus see Dobbin 1991; Gourinat 2005; and Sorabji 2007.

> 'εἰπὲ τὰ ἀπόρρητα.' οὐ λέγω· τοῦτο γὰρ ἐπ' ἐμοί ἐστιν. 'ἀλλὰ δήσω σε.' ἄνθρωπε,[22] τί λέγεις; ἐμέ; τὸ σκέλος μου δήσεις, τὴν προαίρεσιν δὲ οὐδ' ὁ Ζ⟨εὺς νι⟩κῆσαι δύναται. 'εἰς φυλακήν σε βαλῶ.' τὸ ⟨σω⟩μάτιον. 'ἀποκεφαλίσω σε.' πότε οὖν σοι εἶπον, ὅτι μόνου ἐμοῦ ὁ τράχηλος ἀναπότμητός ἐστί;

For an illustrative instance of exemplary mythological characters see Epict. 4.5.29:

> That which made Eteocles and Polyneices what they were was nothing else but this—their judgment about a throne, and their judgment about exile, namely, that one was the greatest of evils, the other the greatest of goods.
>
> Ἐτεοκλέα καὶ Πολυνείκη τὸ πεποιηκὸς οὐκ ἄλλο ἢ τοῦτο, τὸ δόγμα τὸ περὶ τυραννίδος, τὸ δόγμα τὸ περὶ φυγῆς, ὅτι τὸ μὲν ἔσχατον τῶν κακῶν, τὸ δὲ μέγιστον τῶν ἀγαθῶν.

Certainly, these people may err but that does not mean that Epictetus believes that they deserve to be condemned. This emerges most clearly from 1.18,[23] which bears the title 'That we ought not to be angry with the erring' (Ὅτι οὐ δεῖ χαλεπαίνειν τοῖς ἁμαρτανομένοις). In § 3 a (real or fictitious) interlocutor scornfully states: 'They are thieves', says someone, 'and robbers' (κλέπται, φησίν, εἰσὶ καὶ λωποδύται). To this Epictetus retorts:

> What do you mean by 'thieves and robbers'? They have simply gone astray in questions of good and evil. Ought we, therefore, to be angry with them, or rather pity them? Only show them their error and you will see how quickly they will desist from their mistakes. But if their eyes are not opened, they have nothing superior to their mere opinion.
>
> τί ἐστι τὸ κλέπται καὶ λωποδύται; πεπλάνηνται περὶ ἀγαθῶν καὶ κακῶν. χαλεπαίνειν οὖν δεῖ αὐτοῖς ἢ ἐλεεῖν αὐτούς; ἀλλὰ δεῖξον τὴν πλάνην καὶ ὄψει πῶς ἀφίστανται τῶν ἁμαρτημάτων. ἂν δὲ μὴ βλέπωσιν, οὐδὲν ἔχουσιν ἀνώτερον τοῦ δοκοῦντος αὐτοῖς.[24]

This mild verdict on wrongdoers obviously reflects the famous Socratic paradox 'nobody commits injustice willingly' (οὐδεὶς ἑκὼν ἀδικεῖ), from which Epictetus draws the conclusion that one should not get angry with

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[22] For the depreciatory use of the vocative ἄνθρωπε and other vocatives see below, n. 49.

[23] For commentary on this discourse (as for all texts from Book 1) see Dobbin 1998. For this particular discourse see also Slings 1983.

[24] Similarly, in *Ench.* 42 Epictetus advises his pupils not to get angry when someone abuses them but to say to themselves, ἔδοξεν αὐτῷ, 'so it seemed best to him'.

wrongdoers because in fact they do not know what they are doing.[25] Even so, Epictetus sometimes seems to lose patience when dealing with imaginary interlocutors, as at 1.24.17, where he apostrophizes Oedipus as 'slave' (ἀνδράποδον).[26]

The passage just quoted also contains an indication of the way to approach people with wrong convictions: 'show them their error' (δεῖξον τὴν πλάνην). In two passages in the *Discourses* (Epict. 3.21.19 and 3.23.33) Epictetus mentions three different types of philosophical instruction: the protreptic or elenctic position, attributed to Socrates; the didactic position, attributed to Zeno; the reproaching position, attributed to Diogenes.[27] In 3.23.34 and in 2.26.4 Epictetus states that the protreptic/elenctic method serves to bring home to the interlocutor that his actual behavior is not in accordance with his convictions on what is good and bad, a state of affairs which is indicated by means of the term μάχη, 'conflict'. See, e.g., 2.26.1: 'Every error involves a conflict. For since he who is in error does not wish to err, but to be right, it is clear that he is not doing what he wishes' (πᾶν ἁμάρτημα μάχην περιέχει. ἐπεὶ γὰρ ὁ ἁμαρτάνων οὐ θέλει ἁμαρτάνειν, ἀλλὰ κατορθῶσαι, δῆλον ὅτι ὃ μὲν θέλει οὐ ποιεῖ). Most people wrongly believe that their opinions are correct, which Epictetus indicates as οἴησις, 'conceit' (e.g. Epict. 3.14.8).[28] In 2.14.20 Epictetus tells his interlocutor Naso that he 'does not know

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[25] Cf. Epict. 2.12.3: ὁ δ' ὁδηγός, ὅταν λάβῃ τινὰ πλανώμενον, ἤγαγεν ἐπὶ τὴν ὁδὸν τὴν δέουσαν, οὐχὶ καταγελάσας ἢ λοιδορησάμενος ἀπῆλθεν, 'but the real guide, whenever he finds a person going astray, leads him back to the right road, instead of leaving him with a scornful laugh or an insult'. Cf. Long 2002, 33: 'The ideal sage was supposedly pitiless and unforgiving, but Epictetus advocates gentleness and tolerance towards those who err.' Hijmans 1959, 92 n. 1 quotes Lucian, *Demonax* 7: ἀλλὰ τῶν μὲν ἁμαρτημάτων καθήπτετο, τοῖς δὲ ἁμαρτάνουσι συνεγίνωσκεν, καὶ τὸ παράδειγμα παρὰ τῶν ἰατρῶν ἠξίου λαμβάνειν τὰ μὲν νοσήματα ἰωμένων, ὀργῇ δὲ πρὸς τοὺς νοσοῦντας οὐ χρωμένων, 'though he assailed sins, he forgave sinners, thinking that one should pattern after doctors, who heal sicknesses but feel no anger at the sick' (tr. Harmon 1913). Epictetus displays the same attitude towards laymen, but I disagree with Hijmans and Long, who hold that this reflects Epictetus' attitude towards his pupils as well; this will be illustrated below (cf. n. 61 with the main text).

[26] Cf. below, n. 49.

[27] For a full discussion of these passages see Boter 2009. In this article it is shown that at Epict. 3.23.33 the word ἐλεγκτικός, 'elenctic' (a reading added by a later corrector in Bodl. Auct. T. 4.13 [siglum S, the *codex unicus* of the *Discourses*], which is found in all the editions), is to be replaced by ἐπιπληκτικός, 'reproaching'; the original reading of S was ἐκλεκτικός, 'eclectic', which is evidently wrong.

[28] In fact, the translation 'conceit' is one-sided, because it is always negative. There are also situations in which it would be better to translate by the neutral 'wrong opinion', for instance in Epict. 1.11, which is to be discussed below.

himself' (αὐτὸς αὑτὸν ἀγνοεῖς) and that it is necessary to 'endure and abide his questioning' (ὑποσχεῖν τὸν ἔλεγχον καὶ παραμεῖναι); however, he expects that Naso will not be ready to do so. In 2.24.19, too, Epictetus tells a candidate student that the first condition for moral improvement is self-knowledge: stop thinking that you are someone, while in fact you are a nobody (δοκῶν μέν τις εἶναι, ὢν δ' οὐδείς). Subjection to the *elenchus* is imperative for the one who really wants to improve himself: if someone refuses to do so, it is useless to speak with Epictetus. Only after having been freed of one's οἴησις, will one be able to profit from positive philosophical instruction.[29]

We find a perfect demonstration of Epictetus' elenctic treatment of a layman in 1.11.[30] Here Epictetus is visited by a man who says that he has left his house because he is no longer able to see his little daughter suffer from disease. Without reproaching the man in any way, Epictetus points out to him, by means of the Socratic *elenchus*, that his opinion of 'family affection' (τὸ φιλόστοργον) is in conflict with his leaving his daughter alone. The man shows himself fully convinced by Epictetus' questioning. Epictetus ends the discussion with the conclusion that, in order to attain full insight in the nature of one's opinions (δόγματα) it is necessary to become a philosopher (σχολαστικός); and this, he concludes, 'is not the work of a single hour or day'.

In the case just discussed, the interlocutor shows himself willing to cooperate with Epictetus,[31] which is a necessary condition for the successful application of the *elenchus*; the man would seem to have the properties necessary for becoming a successful pupil in Epictetus' school and is explicitly invited to do so. But this is not always so. In 3.9 Epictetus talks with someone who is travelling to Rome, who has taken the opportunity of paying a visit to Epictetus when stopping in Nicopolis: Epictetus blames the man for thinking so light of philosophy that he believes it will be enough just to drop in and have a chat. In 2.24.27–29,[32] Epictetus refuses to accept someone as his pupil because the young man fails to

29 Cf. the lapidary questions about an aspirant student in Epict. 3.23.16: ἀποβέβληκεν οἴησιν; ζητεῖ τὸν διδάξοντα; 'Has he cast aside his self-conceit? Is he looking for the man who will teach him?' For a full discussion of the Socratic *elenchus* in Plato see Slings 1999, 127–164.

30 For two good discussions of this discourse see Wehner 2000, 38–40 and Schofield 2004, 449–451.

31 See § 8: 'but do you rather show me how it is not in accordance with nature, and not rightly done' (ἀλλὰ σύ μοι μᾶλλον δεῖξον, πῶς οὐκ ἔστι κατὰ φύσιν οὐδ' ὀρθῶς γίνεται).

32 See Wehner 2000, 159–165 for a good discussion of this discourse.

stimulate him, that is, the aspirant pupil does not show himself capable of listening to a philosopher in the right way.[33] In 2.12.17–25, he tells his pupils that they should first establish what kind of person they are about to address by means of the *elenchus*: if one applies it to some dumb brute who is hostile to it, one risks receiving a blow! Thus it becomes clear that Epictetus evaluates and screens aspirant pupils before admitting them to his class.

For Epictetus' pupils, his discussions with real or fictitious laymen have the didactic purpose of showing them the condition they used to be in themselves before having got rid of their conceit of knowledge. At the same time, these discussions warn them against the danger of relapsing to these old and detrimental convictions.[34]

4. *Evaluating 'wrong' philosophers and would-be philosophers*

In the foregoing section we have seen that Epictetus shows himself in principle to be indulgent towards laymen who err because they simply do not know any better. In the case of philosophers, or rather those claiming to be philosophers, his attitude is completely different. These people obviously have thought about their opinions and attitudes and accordingly they can be held responsible for them. In viewing Epictetus' negative evaluation of other philosophers we can distinguish two different groups: the first consists of philosophers belonging to 'wrong' schools, the second of would-be philosophers.

Among philosophical schools, it is the Epicureans and the Skeptics to which Epictetus' constant criticism is directed: *Discourse* 2.20, entitled 'Against Epicureans and Academics' (Πρὸς Ἐπικουρείους καὶ Ἀκαδημαϊκούς), is a combined attack on both schools. In Epictetus' representation the Epicureans attach primary importance to the body.[35] Combining this with the Epicurean ultimate goal of 'pleasure' (ἡδονή), Epictetus

[33] Cf. Epict. 3.1.13, where a young man, to whom Epictetus refuses to say what he thinks, asks the question: 'Was I not ready to listen to reason?' (οὐκ ἤμην λόγου ἀκουστικός;).

[34] Cf. Wehner 2000, 219: 'Möglicherweise führt Epiktet in der Art, wie er den Einwürfen [of his fictitious interlocutors] begegnet, seinen Schülern Muster vor, wie sie selbst eigene Fehlurteile bekämpfen beziehungsweise korrigieren können.'

[35] See, e.g., Epict. 1.23.1: 'Even Epicurus understands that we are by nature social beings, but having once set our good in the husk we wear, he cannot go on and say anything inconsistent with this' (ἐπινοεῖ καὶ Ἐπίκουρος ὅτι φύσει ἐσμὲν κοινωνικοί, ἀλλ' ἅπαξ ἐν τῷ κελύφει θεὶς τὸ ἀγαθὸν ἡμῶν οὐκέτι δύναται ἄλλο οὐδὲν εἰπεῖν).

argues that bodily pleasure constitutes the highest good for Epicurus. Repeatedly, Epictetus shows that Epicurus' position is internally inconsistent because even to him the mind has priority over the body.[36] In 1.23 Epictetus delivers a monologue to Epicurus himself in which he reproaches him saying that his philosophy leads to egoism and cuts off all normal human social feelings, dissuading people from bringing up children and participating in politics. This short harangue ends in a humorous tone,[37] but elsewhere Epictetus is harsher on the Epicureans, as in 3.24.38, where he mentions the Epicureans in one breath with 'catamites' (κίναιδοι). In 3.7.12 he states that Epicurus does not condemn stealing itself but only being caught when stealing. Even if Epictetus gives a grossly distorted representation of Epicureanism, his motives for condemning it are obvious: the pursuit of pleasure is the opposite of virtue, the primary position of the body is the opposite of the overall importance of the soul (or προαίρεσις, in Epictetean terminology; cf. n. 21).[38] And because the ultimate goal of pleasure is so attractive at first sight, he does everything to keep his pupils away from the temptations of Epicureanism (see, e.g., Epict. 3.24.37–38).

Epictetus' negative evaluation of Epicureanism concerned its doctrinal content which conflicted with Stoicism. On the other hand, his rejection of Skepticism,[39] which he treats just as unfairly as he treats Epicureanism,

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[36] See, e.g., Epict. 2.23.20–21: 'Therefore, since it is so great a faculty and has been set over everything else, let *it* come before us and say that the flesh is of all things the most excellent. Nay, even if the flesh itself called itself most excellent, one would not have tolerated such a statement. But now, what is it, Epicurus, that makes such a declaration? that composed the treatise *On the End*, or *On the Physics*, or *On the Standard*? that caused you to let your beard grow long? that wrote as it was dying: "We are spending what is our last and at the same time a happy day?" Was it the flesh or the moral purpose? Come, do you confess that you have something superior to the flesh, and you are not insane, either? Are you, in all truth, so blind and deaf?' (εἶτα τηλικαύτη δύναμις οὖσα καὶ πᾶσι τοῖς ἄλλοις ἐπιτεταγμένη παρελθοῦσα ἡμῖν λεγέτω κράτιστον εἶναι τῶν ὄντων τὴν σάρκα. οὐδὲ εἰ αὐτὴ ἡ σὰρξ ἑαυτὴν ἔλεγεν εἶναι κράτιστον, ἠνέσχετο ἄν τις αὐτῆς. νῦν δὲ τί ἐστιν, Ἐπίκουρε, τὸ ταῦτα ἀποφαινόμενον; τὸ περὶ Τέλους συγγεγραφός, τὸ τὰ[ς] Φυσικά[ς], τὸ περὶ Κανόνος; τὸ τὸν πώγωνα καθεικός; τὸ γράφον, ὅτε ἀπέθνησκεν, ὅτι 'τὴν τελευταίαν ἄγοντες ἅμα καὶ μακαρίαν ἡμέραν;' ἡ σὰρξ ἢ ἡ προαίρεσις; εἶτα τούτου τι κρεῖσσον ἔχειν ὁμολογεῖς καὶ οὐ μαίνῃ; οὕτως τυφλὸς ταῖς ἀληθείαις καὶ κωφὸς εἶ;).

[37] 'Why, in my opinion, your mother and your father, even if they had divined that you were going to say such things, would not have exposed you!' (ἐγὼ μὲν οἶμαι ὅτι εἰ καὶ ἐμαντεύσατο ἡ μήτηρ σου καὶ ὁ πατήρ, ὅτι μέλλεις ταῦτα λέγειν, οὐκ ἄν σε ἔρριψαν).

[38] Epictetus often designates the body with the contemptuous diminutive σωμάτιον; see Urbán Fernández 1994.

[39] Epictetus calls the Skeptics Academics, e.g. in the title of Epict. 2.20. For a good discussion of Epictetus' opinion on Skepticism see Long 2002, 104–107.

is caused by the fact that it unsettles the very foundations of the Stoic system. To the Stoics, it is possible to acquire certain knowledge of the physical world by correctly judging sense-impressions with the help of logic; the Skeptics, on the contrary, hold that certain knowledge is flatly impossible. As in the case of the Epicureans, Epictetus tries to expose the weakness of Skepticism by pointing out its inconsistencies. In the first place, he points out that Skeptics too have some firm convictions about the physical world; see, e.g., Epict. 2.20.28:

> Man, what are you doing? Are you confuting your own self every day, and are you unwilling to give up these frigid attempts of yours? When you eat, where do you bring your hand? To your mouth, or to your eye?
>
> ἄνθρωπε, τί ποιεῖς; αὐτὸς σεαυτὸν ἐξελέγχεις καθ' ἡμέραν καὶ οὐ θέλεις ἀφεῖναι τὰ ψυχρὰ ταῦτα ἐπιχειρήματα; ἐσθίων ποῦ φέρεις τὴν χεῖρα; εἰς τὸ στόμα ἢ εἰς τὸν ὀφθαλμόν;

In 2.20.5 he reduces the Skeptic position to the paradoxical formulation 'men, give your assent to the statement that no man assents to any statement; believe us when we say that no man can believe anybody' (ὦ ἄνθρωποι, συγκατάθεσθε ὅτι οὐδεὶς συγκατατίθεται· πιστεύσατε ἡμῖν ὅτι οὐδεὶς πιστεύει οὐδενί).

As already stated, Epictetus tries to refute the Epicureans and the Skeptics by exposing the inconsistencies of their systems, which evokes his dealing with laymen. But the calm tone of the Socratic dialogue with the father in 1.11 (see above, section 3) often gives way to bitter reproaches (see, e.g., 2.20 *passim*). The reason is clear: laymen are people who grope in the dark and who need to be gently guided; Epicureans and Skeptics are stubborn adherents of substantially wrong philosophies and as such they are Epictetus' opponents. The arguments Epictetus pits against their opinions do not so much contribute to changing these people's minds, which as a rule are not even actually present, as to convince his own pupils.[40]

Apart from adherents of 'wrong' schools, Epictetus aims his arrows at would-be philosophers. His opinion about such philosophers who have not succeeded in internalizing the tenets of the philosophy they are preaching is well exemplified by the delightful anecdote about Diogenes (Epict. 3.2.11–12):

[40] Stowers 1981, 77 aptly remarks: 'the dialogical element in the diatribe is basically an attempt to adapt this method [i.e. the Socratic *elenchus*] to a dogmatic type of philosophy in the school situation'. See also Wehner 2000, 157–219.

> Do you not know that Diogenes showed one of the sophists thus, pointing out his middle finger at him, and that when the man was furious with rage, he remarked, 'That's So-and-so; I've pointed him out to you.' For a man is not something like a stone or a stick of wood to be pointed out with a finger, but when one shows a man's judgments, then one shows him as a man.
>
> οὐκ οἶδας, ὅτι Διογένης τῶν σοφιστῶν τινα οὕτως ἔδειξεν ἐκτείνας τὸν μέσον δάκτυλον, εἶτα ἐκμανέντος αὐτοῦ 'οὗτός ἐστιν', ἔφη, 'ὁ δεῖνα· ἔδειξα ὑμῖν αὐτόν'; ἄνθρωπος γὰρ δακτύλῳ οὐ δείκνυται ὡς λίθος ἢ ὡς ξύλον, ἀλλ' ὅταν τις τὰ δόγματα αὐτοῦ δείξῃ, τότε αὐτὸν ὡς ἄνθρωπον ἔδειξεν.

By just pointing at the philosopher with his middle finger (a gesture which had the same vulgar meaning it has nowadays)[41] he shows that the man in question is not a real philosopher: if he were, he would not have got angry at Diogenes' insulting gesture.

Another group of would-be philosophers that Epictetus despises is constituted of the so-called epideictic orators, the most famous representative of whom is Dio Chrysostom.[42] The attitude and aims of such orators and Epictetus' low opinion of them are well illustrated in 3.23, which bears the title 'To those who read and discuss for the purpose of display' (Πρὸς τοὺς ἀναγιγνώσκοντας καὶ διαλεγομένους ἐπιδεικτικῶς). Orators like Dio often delivered speeches on subjects which were claimed to improve the moral standard of the audience, such as the heroic resistance of the Greeks against the Persians. In reality, however, these orators were not really interested in improving their audience, they only wanted to baffle the audience with their brilliant phrasing,[43] aiming at applause and admiration for their splendid performance. In 3.23.19 Epictetus gives a fictitious account of a discussion between an epideictic orator and one of his admirers (Epict. 3.23.19):

> 'Today I had a much larger audience.' 'Yes, indeed, there were great numbers.' 'Five hundred, I fancy.' 'Nonsense, make it a thousand.' 'Dio never had so large an audience.' 'How could you expect him to?' 'Yes, and they are clever at catching the points.' 'Beauty, sir, can even move a stone.'

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[41] See Grewing's note on Martial 6.70.5 (Grewing 1997, 452).

[42] For the theory and practice of these orators see Whitmarsh 2005 *passim*, esp. Chapter II (pp. 23–40), 'Sophistic performance'.

[43] Cf. Epict. 3.23.17: 'The man who will teach him how he ought to live? No, fool, but only how he ought to deliver a speech' (τὸν διδάξοντα, πῶς δεῖ βιοῦν; οὔ, μωρέ· ἀλλὰ πῶς δεῖ φράζειν).

> 'σήμερόν μου πολλῷ πλείονες ἤκουσαν.' 'ναί, πολλοί.' 'δοκοῦμεν ὅτι πεντακόσιοι.' 'οὐδὲν λέγεις· θὲς αὐτοὺς χιλίους.' 'Δίωνος οὐδέποτ' ἤκουσαν τοσοῦτοι.' 'πόθεν αὐτῷ;' 'καὶ κομψῶς αἰσθάνονται λόγων.' 'τὸ καλόν, κύριε, καὶ λίθον κινῆσαι δύναται.'

Because of their subject matter speeches were also designated as 'protreptic', that is, exhorting to virtue. Therefore, after Epictetus' denouncing these speeches as mere verbal fireworks, a (fictitious) interlocutor asks (§ 33) 'Well! But isn't there such a thing as the right style for exhortation?' (τί οὖν; οὐκ ἔστιν ὁ προτρεπτικὸς χαρακτήρ;). Epictetus answers in the affirmative, but he goes on to explain that the protreptic style is not to be identified with epideictic speeches, as the interlocutor thinks, but with the *elenchus*.[44]

5. *Evaluating pupils*

5.1. *With what does Epictetus reproach his pupils?*

To a large extent the reproaches Epictetus utters to his pupils run parallel to the reproaches towards the people discussed in the preceding paragraphs. However, the very fact that they make these same mistakes is all the worse because, being students of Stoic philosophy, they should know better. In the last resort, all reproaches have to do with the relation between theory and practice of Stoicism. In *Encheiridion* 52, we find a very succinct exposition of this relation: the first topic in philosophy is the application of principles, for instance 'do not lie'; the second is the proof 'how come we ought not to lie?'; the third is 'what is a proof?' etc. Here it appears that logical training is necessary in order to understand fully that one should not lie. On the other hand it shows that logic is a means to an end and not an end in itself. In both respects Epictetus' pupils go astray.

In *Discourse* 3.9 (see section 3), we saw Epictetus getting very angry with a young man who failed to realize that philosophy involves strenuous work and who thought it sufficient just to pay a visit to Epictetus. In 1.11, Epictetus states the same in quite a different tone, because the man he addresses shows himself willing to follow his advice. In 2.14, he explains to a guest that becoming a philosopher requires 'effort' (κόπος),

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[44] For a detailed discussion of Epict. 3.23.33 see Boter 2009.

just like becoming a cobbler, a carpenter, or a musician. The 'work' (ἔργον) of a philosopher is stated quite easily (§ 7): it is 'to bring his own will into harmony with what happens' (τὴν αὑτοῦ βούλησιν συναρμόσαι τοῖς γινομένοις), which sounds simple enough. But the 'process of instruction' (μάθημα) leading up to this result is long and tiresome.

Like all pupils of all time Epictetus' pupils seek excuses for not having to work and try to belittle the seriousness of their failures. Like all teachers of all time Epictetus adduces arguments to counteract these excuses. In 3.5.1, a student complains that he is ill: 'I am ill here, says one of the students, and want to go back home' (νοσῶ, φησίν, ἐνθάδε καὶ βούλομαι ἀπιέναι εἰς οἶκον). Epictetus reacts furiously:

> What, were you free from illness at home? Do you not raise the question whether you are doing here any of the things that have a bearing upon your moral purpose, so that it shall be improved? For if you are not accomplishing anything, it was no use for you to have come in the first place. Go back and tend to your affairs at home.
>
> ἐν οἴκῳ γὰρ ἄνοσος ἦς σύ; οὐ σκοπεῖς, εἴ τι ποιεῖς ἐνθάδε τῶν πρὸς τὴν προαίρεσιν τὴν σαυτοῦ φερόντων, ἵν' ἐπανορθωθῇ; εἰ μὲν γὰρ μηδὲν ἀνύεις, περισσῶς καὶ ἦλθες. ἄπιθι, ἐπιμελοῦ τῶν ἐν οἴκῳ.

This advice closely resembles the famous dictum 'Learn or go away' (*disce aut discede*). In 4.12, a pupil says that he wants a day off; he is severely reprimanded (§ 20):

> But now, when you say, 'Tomorrow I will pay attention', I would have you know that this is what you are saying: 'Today I will be shameless, tactless, abject.'
>
> νῦν δ' ὅταν εἴπῃς 'ἀπαύριον προσέξω', ἴσθι ὅτι τοῦτο λέγεις 'σήμερον ἔσομαι ἀναίσχυντος, ἄκαιρος, ταπεινός.'

In 1.7.31, a pupil who has made a mistake in the analysis of a logical problem says: 'If, then, I err in these matters, I have not murdered my own father, have I?' (ἂν οὖν ἐν τούτοις πλανηθῶ, μή τι τὸν πατέρα ἀπέκτεινα;). Epictetus does not accept this playing down of the importance of the mistake:

> Slave, where was there in this case a father for you to murder? What, then, have you done? You have committed what was the only possible error in the matter.
>
> ἀνδράποδον, ποῦ γὰρ ἐνθάδε πατὴρ ἦν, ἵν' αὐτὸν ἀποκτείνῃς; τί οὖν ἐποίησας; ὃ μόνον ἦν κατὰ τὸν τόπον ἁμάρτημα, τοῦτο ἡμάρτηκας.

In 2.18.4, he advises his pupils:

> In general, therefore, if you want to do something, make a habit of it; if you want not to do something, refrain from doing it, and accustom yourself to something else instead.
>
> καθόλου οὖν εἴ τι ποιεῖν ἐθέλῃς, ἑκτικὸν ποίει αὐτό· εἴ τι μὴ ποιεῖν ἐθέλῃς, μὴ ποίει αὐτό, ἀλλ' ἔθισον ἄλλο τι πράττειν μᾶλλον ἀντ' αὐτοῦ.

In cases like these, Epictetus does not tell his pupils anything new; accordingly it is neither necessary nor helpful to use the *elenchus* but it will do to state things as they are, either with or without reproaches.[45]

There are many ways in which Epictetus confronts his pupils with the discrepancy between doctrine and life. He often uses harsh words to bring this message home; in 2.19.20–21, for instance, he bluntly tells his pupils that they don't deserve to be called Stoics:

> Observe yourselves thus in your actions and you will find out to what sect of the philosophers you belong. You will find that most of you are Epicureans, some few Peripatetics, but these without any backbone; for wherein do you in fact show that you consider virtue equal to all things else, or even superior? But as for a Stoic, show me one if you can!
>
> τηρεῖτε οὕτως ἑαυτοὺς ἐν οἷς ἐπράσσετε καὶ εὑρήσετε τίνος ἔσθ' αἱρέσεως. τοὺς πλείστους ὑμῶν Ἐπικουρείους εὑρήσετε, ὀλίγους τινὰς Περιπατητικοὺς καὶ τούτους ἐκλελυμένους. ποῦ γὰρ ἵν' ὑμεῖς τὴν ἀρετὴν πᾶσιν τοῖς ἄλλοις ἴσην ἢ καὶ κρείττονα ἔργῳ ὑπολάβητε; Στωικὸν δὲ δείξατέ μοι, εἴ τινα ἔχητε.

The reproach of being Epicureans is very insulting: as we have seen above, Epictetus always mentions Epicureans with deep contempt. As for the Peripatetics, these are mentioned only here in Epictetus (Aristotle's name occurs nowhere), so this too hardly counts as a compliment.[46]

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[45] Slings 1983, 79–80 argues that Plato's concepts of ἀνάμνησις and Theory of Forms provide a very convincing justification of the Socratic method of instruction. On pp. 81–82 Slings states that this method was no longer acceptable to the Stoics: in the Stoic view, there is no latent knowledge which has to be recovered by means of question and answer. Slings' conclusions are confirmed by my analysis: in Epictetus, the *elenchus* is useful to liberate people from their οἴησις in practical matters, but it is not applied for teaching the tenets of Stoic philosophy.

[46] In § 24 Epictetus goes on: 'Show him! By the gods, I would fain see a Stoic! But you cannot show me a man completely so fashioned; then show me at least one who is becoming so fashioned, one who has begun to tend in that direction; do me this favor; do not begrudge an old man the sight of that spectacle which to this very day I have never seen' (δείξατ'· ἐπιθυμῶ τινα νὴ τοὺς θεοὺς ἰδεῖν Στωικόν. ἀλλ' οὐκ ἔχετε τὸν τετυπωμένον δεῖξαι· τόν γε τυπούμενον δείξατε, τὸν ἐπὶ ταῦτα κεκλικότα. εὐεργετήσατέ με· μὴ φθονήσητε ἀνθρώπῳ γέροντι ἰδεῖν θέαμα, ὃ μέχρι νῦν οὐκ εἶδον). See further Epict. 2.17.29 'Give me but one young man who has come to school with this purpose in view, who has become an athlete in this activity' (δότε μοι ἕνα νέον

In many places Epictetus scornfully ridicules a pupil who boasts that he is able to interpret difficult treatises when asked to show his progress.[47] In 1.4.13–14, he compares this to a sportsman who, when asked to show his shoulders, shows his jumping-weights instead. If the pupil who boasts his ability in interpreting Chrysippus is not able to show that he makes progress in living according to nature, he gets the advice:

> Go away, and do not confine yourself to expounding your books, but go and write some of the kind yourself. And what will you gain thereby? Do you not know that the whole book costs only five denarii? Is the expounder of it, then, think you, worth more than five denarii?
>
> ἄπελθε καὶ μὴ μόνον ἐξηγοῦ τὰ βιβλία, ἀλλὰ καὶ γράφε αὐτὸς τοιαῦτα. καὶ τί σοι ὄφελος; οὐκ οἶδας ὅτι ὅλον τὸ βιβλίον πέντε δηναρίων ἐστίν; ὁ οὖν ἐξηγούμενος αὐτὸ δοκεῖ ὅτι πλείονος ἄξιός ἐστιν ἢ πέντε δηναρίων;

In 2.17.34 he addresses a fictitious interlocutor who wishes to learn the meaning of Chrysippus' treatise *On the Liar*:

> If that is your design, go hang, you wretch! And what good will knowing that do you? With sorrow you will read the whole treatise, and with trembling you will talk about it to others.
>
> οὐκ ἀπάγξῃ μετὰ τῆς ἐπιβολῆς ταύτης, τάλας; καὶ τί σοι ὄφελος ἔσται; πενθῶν ἅπαν ἀναγνώσῃ καὶ τρέμων πρὸς ἄλλους ἐρεῖς.

He then immediately goes on to say that his pupils behave exactly the same; in § 39 he calls this 'conceit of fancying that we know something useful' (τὴν οἴησιν τοῦ δοκεῖν εἰδέναι τι τῶν χρησίμων). In 2.4.10–11 a man caught in adultery, when vituperated by Epictetus for his behavior, retorts, 'But I am a scholar and I understand Archedemus' (ἀλλὰ φιλόλογός εἰμι καὶ Ἀρχέδημον νοῶ—Archedemus was a Stoic philosopher). Epictetus sarcastically answers, 'Very well then, understand Archedemus and be an adulterer and faithless and a wolf or an ape instead of a man; for what is there to prevent you?' (Ἀρχέδημον τοίνυν νοῶν μοιχὸς ἴσθι καὶ ἄπιστος καὶ ἀντὶ ἀνθρώπου λύκος ἢ πίθηκος. τί γὰρ κωλύει;).

In a number of passages Epictetus denounces the vanity of his pupils who are only interested in praise from others; thus in 3.2.10 he argues that the soul of a pupil is swollen with pride on hearing that someone else had

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κατὰ ταύτην τὴν ἐπιβολὴν ἐληλυθότα εἰς σχολήν, τούτου τοῦ πράγματος ἀθλητὴν γενόμενον). Epict. 2.9.19 (≈ 3.24.41) 'Why, then, do you call yourself a Stoic, why do you deceive the multitude?' (τί οὖν Στωικὸν λέγεις σεαυτόν, τί ἐξαπατᾷς τοὺς πολλούς;).

[47] See, e.g., Epict. 2.19 *passim*, which is entitled Πρὸς τοὺς μέχρι λόγου μόνον ἀναλαμβάνοντας τὰ τῶν φιλοσόφων, 'To those who take up the teachings of the philosophers only to talk about them'.

extolled his philosophical achievements, whereas he is pale with anger on hearing the opposite judgment. In 3.21.1 ff., he condemns those who do not digest the theorems they have learnt but throw them up immediately after swallowing them: by means of this metaphor Epictetus illustrates that one should not start teaching what one has not internalized oneself. In 3.23.9, he asks a pupil what he aims at when delivering lectures, 'Do you wish to do good or to be praised?' (ὠφελῆσαι θέλεις ἢ ἐπαινεθῆναι;). Of course, the pupil answers the first but is compelled to admit that in fact he strives after the second. In 4.8.34 ff. he jests at someone who already believes to be a philosopher when he has grown his hair and his beard, wears a philosopher's cloak and abuses all those he encounters.

The result of studying Stoic philosophy in the wrong manner is that the pupil questions its usefulness, as is well exemplified in 2.21.15 ff. Epictetus makes one of his pupils say:

> Yes, but if my child or my brother dies, or if I must die, or be tortured, what good will such things [syllogisms et cetera] do me?
>
> ναί· ἀλλ' ἂν ἀποθάνῃ μου τὸ παιδίον ἢ ὁ ἀδελφὸς ἢ ἐμὲ ἀποθνῄσκειν δέῃ ἢ στρεβλοῦσθαι, τί με τὰ τ⟨οι⟩αῦτα ὠφελήσει;[48]

Epictetus points out that the pupil only has himself to blame: he had come to school just to learn logic, as a goal in itself, not as a means to improve his moral stance.

The overall picture is clear: in valuing his pupils Epictetus shows himself very often to be dissatisfied. With regard to their moral stance they are no better than laymen and pseudo-philosophers. And this is ultimately their own fault: they know what they should do, but they just don't do it.

5.2. *Epictetus' harsh tone against his pupils*

In the foregoing section we have dealt with the content of Epictetus' criticism of his pupils. *Mais c'est le ton qui fait la musique*: when reading the *Discourses* one is struck by the bitter and sarcastic note he uses so often, for instance when he states that the large majority of his pupils are in fact Epicureans or when he addresses someone as 'slave' (ἀνδράποδον),

[48] The phrase τί με τὰ τ⟨οι⟩αῦτα ὠφελήσει; may be an intentional echo of the phrase τί ὄφελος, which Epictetus himself uses a number of times.

'fool' (μωρέ), 'wretch' (τάλας or ταλαίπωρε), or similar terms.[49] In the scholarly literature on Epictetus this harsh tone has not received much attention; Hijmans is an exception in explicitly discussing it, while Long, though devoting three pages to Diogenes (pp. 58–60), does not pay adequate attention to the harsh elements in Epictetus' way of dealing with his pupils. I will discuss the opinions of these two scholars.[50]

Hijmans, at the end of his book, writes (Hijmans 1959, 101): 'The general impression one gets, after reading through what is left of his teachings is one of continual and harsh denouncing of the wrong attitude of his pupils, and one needs a much closer inspection to find other, less harsh, elements.'[51] Hijmans mentions two possible explanations for this harshness. The first is 'the frustration of the teacher who knows what the aim is, but who cannot get it across' (p. 98); at p. 99 he states: 'It is Epictetus' great disappointment that the pupils in practice have made the wrong choice, and that, though he is able to show them reasonably that it was the wrong and unmotivated choice, he cannot bring them to accept that fact.' When commenting on 1.22.18, Hijmans concludes (p. 100): 'The last sentence ... is not capable of hiding Epictetus' disappointment under its sarcasm.'

Hijmans' second explanation (p. 102) is that 'Epictetus' harshness ... is consciously assumed ... Epictetus was stern and aloof to the very extreme in order to make his pupils independent ...—to allow them to establish an emotional tie with himself would be inconsistent.' A few pages earlier, however, Hijmans states with regard to 4.9.12[52] (p. 97): '[it]

[49] For an interesting discussion of terms of abuse in Epictetus see Zangrando 1998, 87–91. The vocatives ἄνθρωπε and ἀνδράποδον are the most prominent ones: Zangrando rightly states (Zangrando 1998, 89 with nn. 28–29): 'Il motivo, caro alla filosofia popolare, della schiavitù fisica e morale e degli sforzi per ricondurre l'uomo alla vera libertà giustifica le apostrofi degne di uno schiavo.' For the use of ἄνθρωπε as 'slave' she refers to LSJ s.v. 7. Dickey 1996, 150, states that the vocative ἄνθρωπε 'cannot be inherently derogatory', which is obviously true; even so, in Epictetus ἄνθρωπε is often used in speeches where the addressee is negatively valued. For the insulting apostrophe in the 'diatribe', Zangrando (p. 88, n. 22) refers to Weber 1895, 24, 47 and Seidel 1906, 31. For insulting forms of address in general see Dickey 1996, 165–174.

[50] Wehner 2000 does note that Epictetus confronts his pupils with their mistakes (e.g. p. 61: 'um das (meist schlechte) Verhalten seiner Schüler zu beschreiben'), but she is silent on his harsh tone.

[51] In fact, there are many passages that are not harsh, e.g. when Epictetus tells anecdotes or makes humorous remarks. See, e.g., Epict. 2.4.6–7, 2.16.12, 2.18.13.18, 2.20.28–30, 3.8.7, 4.11.9–18.

[52] In 4.9 Epictetus addresses a former pupil who has gone astray in his personal life. In 4.9.12, he asks this young man, 'If anyone ever told you about me that someone was forcing me to commit adultery, to wear clothes like yours, or to perfume myself, would

gives an interesting view on the personal relationship between master and pupil. It not only means that this man used to love his master—it also means that Epictetus thinks himself justified in appealing to this feeling.' Hijmans admits that this 'involves a state of dependence in the pupil' and adds as an explanation for the inconsistency: 'Rigidity is not one of the characteristics of Epictetus' spiritual direction.'[53]

Hijmans' first explanation is based on Epictetus' own psychology about which we can only speculate; his second explanation seeks the cause in Epictetus' view of pedagogy but it involves a striking and, to my mind, unacceptable inconsistency in his application of the method.

While Hijmans duly recognizes the harsh character of Epictetus' criticism, Long does not even mention it. In his analysis of the three modes of philosophical instruction[54] Long deals with the kingly and reproving position which is assigned to Diogenes (3.21.19 ὡς Διογένει τὴν βασιλικὴν καὶ ἐπιπληκτικὴν ⟨χώραν συνεβούλευεν⟩).[55] He rightly says (Long 2002, 59) that Epictetus disapproves of the would-be Cynic philosophers of his own time, who have turned Diogenes' example into a caricature, as can be seen in 3.22.9–11. But he is wrong in implying that by exposing such would-be Cynics Epictetus rejects the reproving method altogether.[56] Long reduces the position assigned to Diogenes to 'a variation of the *protreptic* style already associated with Socrates', thus ignoring the essential difference between the ironic and polite way in which Socrates answered his interlocutors and the cynical (and Cynic) way of criticism

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you not have gone and murdered the man who was so maltreating me?' (εἴ σοί τίς που ἔλεγεν περὶ ἐμοῦ ταῦτα, ὅτι μέ τις μοιχεύειν ἀναγκάζει, ὅτι ἐσθῆτα φορεῖν τοιαύτην, ὅτι μυρίζεσθαι, οὐκ ἂν ἀπελθὼν αὐτόχειρ ἐγένου τούτου τοῦ ἀνθρώπου τοῦ οὕτως μοι παραχρωμένου;).

[53] When commenting on Epict. 4.9.6 ff. Hijmans (1959, 96) states: 'The whole diatribe is kept on a very quiet note—which evidently was more suitable in this case. Did Epictetus feel that harsh words would only serve to drive the man farther away?' At p. 92 (with n. 1) too Hijmans states that Epictetus' attitude towards his pupils is well exemplified by Pliny's way of describing his master Euphrates: *insectatur vitia, non homines, nec castigat errantes, sed emendat* (Plin. *Ep.* 1.10.7). Cf. above, n. 25.

[54] In 3.21.19 Epictetus distinguishes three modes in philosophical instruction. He attributes the elenctic mode to Socrates, the kingly and reproving mode to Diogenes, and the didactic and dogmatic mode to Zeno. See Boter 2009.

[55] Long 2002, 58–61.

[56] By the same token Epictetus' unmasking of pseudo-Stoics does not mean that he rejects Stoicism. Long's analysis results from the wrong reading ἐλεγκτικὸς at Epict. 3.23.33, for which I may refer once more to Boter 2009. Long's unjustified playing down of the harsh Cynic element is in fact already apparent from the title of his book, *Epictetus: A Stoic and Socratic Guide to Life*, in which the Cynic element of Epictetus' philosophy is conspicuously absent.

we encounter so often in Epictetus.[57] He goes on to demonstrate the way in which Epictetus interlaces the three modes of instruction (doctrinal, reproving / protreptic, protreptic / elenctic, in Long's representation) by means of an analysis of 1.1, where harsh words are absent.[58]

Hijmans is right in acknowledging Epictetus' harshness, which is not adequately recognized by Long (and Schofield). On the other hand Long is right in referring to the passages on the three modes of instruction although his interpretation and application of the reproving stance associated with Diogenes is wrong. In 3.23.33 Epictetus explicitly states that there are three modes of instruction: protreptic (which is synonymous with the *elenchus*), reproving, and didactic; there is no room for a fourth mode.[59] We have seen (§ 3) that the *elenchus* is the appropriate method for liberating people from their 'conceit' or 'false opinion' (οἴησις). As the analysis of 1.11 has shown, Epictetus applies the *elenchus* without harsh reproval when dealing with someone who is cooperative. But with his pupils this method is inadequate. They need not be liberated from false opinions: in theory, they know perfectly well what they should do. The problem with them is that they just don't do this in practice. Therefore Epictetus does not have to bring them to new insights, he has to bring it home to them that they fail to put these insights into practice. Because they know this, his didactic stance will never really be effective.[60] So the only stance left is the reproving stance. And thus I agree with Hijmans that Epictetus' harsh tone is deliberate but I disagree about the reasons

[57] Long 2002, 61.

[58] Long 2002, 62–64. Long's treatment of the Cynic stance in Epictetus is endorsed by Schofield 2004 (which is a review article devoted to Long 2002). Schofield (2004, 452) writes: 'In the discourse specifically devoted to Cynicism, Epictetus describes the Cynic objective as "showing people that where what is good and evil are concerned, they have gone astray: they look for the essence of good and evil where it is not—where it *is* never enters their minds" (3.22.23). That is the protreptic project Epictetus calls "castigation".' So Schofield too does not recognize that it is the harsh tone which constitutes the Cynic element in Epictetus' teaching. Cf. Schofield 2007, 81: 'there is obviously some temptation to identify castigation as the denunciatory phase of the Cynic discourse (cf. III.22.26–37). But I think it more likely that "castigation" characterizes Cynic philosophical rhetoric as a whole.'

[59] 'Who, then, has ever mentioned a fourth style along with these, the style of display?' (τίς οὖν πώποτε τέταρτον εἶπεν μετὰ τούτων τὸν ἐπιδεικτικόν;).

[60] This is not to say that Epictetus never takes up the didactic stance. See, e.g., Epict. 2.1.29: 'That is why I say over and over again, "Practice these things and have them ready at hand, etc."' (διὰ τοῦτο λέγω πολλάκις 'ταῦτα μελετᾶτε' καὶ ταῦτα πρόχειρα ἔχετε κτλ.); Epict. 2.17.1: 'What is the first business of one who practices philosophy? To get rid of thinking that one knows' (τί πρῶτόν ἐστιν ἔργον τοῦ φιλοσοφοῦντος; ἀποβαλεῖν οἴησιν).

for this harsh tone: it is not a means for keeping his pupils at an emotional distance, it is rather a choice for the only didactic tool he has at his disposal in this situation.

Of course there is a problem with harsh reproval: it hurts. Therefore someone using harsh language towards his pupils should be able to justify himself for hurting his pupils. And this is exactly what we see Epictetus doing in 3.1.10 ff. In his discussion with an effeminate youth he says, after some preliminary remarks:

> Beyond that I know not what more I can say to you; for if I say what I have in mind, I shall hurt your feelings, and you will leave, perhaps never to return.
>
> ἐντεῦθεν οὐκέτι ἔχω σοι πῶς εἴπω· ἄν τε γὰρ λέγω ἃ φρονῶ, ἀνιάσω σε καὶ ἐξελθὼν τάχα οὐδ' εἰσελεύσῃ.

On the other hand, the very fact that the young man comes to Epictetus to be benefited obliges him to do his duty; it would be cruel for Epictetus to leave him unreformed (περιιδεῖν ἀνεπανόρθωτον).[61] Moreover, Epictetus fears that later, when grown up, the young man might return and accuse him of not having done what he should have done. Epictetus is aware that his own insight in life is greater than the young man's and he trusts that the young man too will acquire this insight when grown up. He therefore feels compelled to tell him the truth, even if he hardly expects the young man to accept what he, Epictetus, will tell him. But the empirical fact that many people do not allow themselves to be persuaded by the reproach of their teachers should not prevent the latter from saying what they have to say: even Apollo did not persuade Laius, and Socrates too was only successful with a small minority of those with whom he had discussions (3.1.16–23). At the end of the discourse (§§ 36 ff.) Epictetus says that he should be regarded as God's mouthpiece, in the same way in which a croaking raven is not himself the one who gives the sign, but only the one who passes on the sign God wishes to give us. On the one hand this is an expression of modesty;[62] but in this

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[61] Similarly Epict. 2.23.47: 'But when I see that one thing is highest and supreme, I cannot say the same of something else, in order to gratify you' (οὐ δύναμαι δ' ἄλλο βλέπων τὸ κράτιστον καὶ τὸ κυριώτατον ἄλλο λέγειν εἶναι, ἵν' ὑμῖν χαρίσωμαι).

[62] Cf. Long 2002, 121, 144. In 3.22, which is one long eulogy of Diogenes, Epictetus repeatedly says that the Cynic has been sent into the world by God as a messenger, scout, and herald of the gods (e.g. § 69). In § 82 he states that the real Cynic speaks harsh words to those he addresses not as the result of meddlesomeness but as their father, brother, and as a servant of Zeus: ἢ σὺ δοκεῖς ὑπὸ περιεργίας λοιδορεῖσθαι τοῖς

context it is much more important that in this way Epictetus justifies his harsh method of evaluating those who turn to him for moral improvement.

In 3.23.27 ff., Epictetus uses another image to justify his hurting of his pupils, namely that of the doctor. The image of the philosopher as a doctor and his pupils as patients suffering from disease was very popular in Stoicism.[63] For our purpose the most relevant part of the passage is § 30: 'Men, the lecture room of the philosopher is a hospital; you ought to walk out of it after having had not pleasure, but pain' (ἰατρεῖόν ἐστιν, ἄνδρες, τὸ τοῦ φιλοσόφου σχολεῖον· οὐ δεῖ ἡσθέντας ἐξελθεῖν, ἀλλ' ἀλγήσαντας), a phrase which is tantamount to our saying 'desperate cases call for desperate remedies'. A doctor who abstains from painful surgery saves his patients a few moments of pain but in the end they are much worse off because the illness itself is not taken away.[64] Epictetus' harsh words, therefore, are comparable to the painful remedies applied by the doctor.

The habit of calling a spade a spade, which we see constantly exemplified in the *Discourses*, can be traced back to the 'frankness of speech' (παρρησία) which is typical of the Cynics and which ultimately goes back to Socrates.[65] Thus, in the *Discourse* on Diogenes Epictetus says (3.22.96):

> Why should he not have the courage to speak freely to his own brothers, to his children, in a word, to his kinsmen?
>
> διὰ τί μὴ θαρρήσῃ παρρησιάζεσθαι πρὸς τοὺς ἀδελφοὺς τοὺς ἑαυτοῦ, πρὸς τὰ τέκνα, ἁπλῶς πρὸς τοὺς συγγενεῖς;

Following the distinction made by van Raalte between non-Socratic and Socratic παρρησία, we might say that Epictetus applies the latter type, 'which recommends freedom of speech, courage and shamelessness *as long as it serves the search for the truth*', 'however unwelcome it may be to the audience' (van Raalte 2004, 310 and 309 respectively). And just as

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ἀπαντῶσιν; ὡς πατὴρ αὐτὸ ποιεῖ, ὡς ἀδελφὸς καὶ τοῦ κοινοῦ πατρὸς ὑπηρέτης τοῦ Διός. For the philosophical aspects of the concept of the philosopher as God's messenger see Ierodiakonou 2007.

[63] Cf. Slings 1995, 179; see also the passage from Lucian quoted above (n. 25).

[64] See also Epict. 2.13.12, 2.15.15, 3.22.73, 3.25.7, and especially 2.14.21, where Epictetus says that nobody accuses the doctor of rude and preposterous behavior (ὕβρις) when he tells his patients that they are ill.

[65] Cf. Long 2002, 59 with n. 15; Sluiter 2005, *passim*, and esp. 159–160. For the concept of παρρησία in general see Sluiter and Rosen 2004. For Socrates' παρρησία see van Raalte 2004.

Socrates rejects the παρρησία of the Athenian people, because it serves an inferior goal (van Raalte 2004, 280–286, 290–295, 309), so too does Epictetus reject the defiant and rude behavior of many contemporary Cynics, who have turned Diogenes' παρρησία into a farce.[66] In contrast to Socrates, however, Epictetus does not shrink from being positively rude to his pupils.

6. *Conclusion: Epictetus among his pupils—how to prevent despondency*

In the foregoing sections we have seen that Epictetus can be very severe in judging his pupils; we have also seen why he does so and how he justifies this line of conduct. The remark at 3.1.36, that the pupils should regard him as God's mouthpiece, is crucial to understanding the position Epictetus assigns himself in relation to his pupils. It serves to illustrate that he does not regard himself as superior to his pupils. He may be older than his pupils, have more knowledge of life, have made more philosophical progress, but he never claims to have attained the ultimate goal of being a perfect sage. This modest attitude is amply illustrated by the way he evaluates himself in the presence of his pupils.

In countless passages Epictetus uses the first person plural, thus including himself among his pupils. Wehner 2000, 57–59 distinguishes between the 'generalisierendes Wir', pertaining to mankind in general, and the 'kommunikatives Wir', which Epictetus uses in order 'die Gemeinschaft mit seinen Schülern zu betonen'. She points out that the 'kommunikatives Wir' is often used to expose wrong behavior. A few instances may suffice. It has been noted above that Epictetus' most important objection against his pupils consists in the incongruity between theory and practice; at one point he utters this complaint in the first person plural (Epict. 4.5.36):

> We, however, although we are capable of writing and reading these things, and praising them when read, are nowhere near capable of being persuaded of them. Wherefore, the proverb about the Lacedaemonions, *Lions at home, but at Ephesus foxes*, will fit us too: Lions in the school-room, foxes outside.

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[66] See Epict. 3.22.9–11. For a hilarious portrait of such a would-be Cynic see the figure of Alcidamas in Lucian's *Symposium*.

ἀλλ' ἡμεῖς γράψαι μὲν καὶ ἀναγνῶναι ταῦτα καὶ ἀναγιγνωσκόμενα ἐπαινέσαι ἱκανοί, πεισθῆναι δ' οὐδ' ἐγγύς. τοιγαροῦν τὸ περὶ τῶν Λακεδαιμονίων λεγόμενον οἴκοι λέοντες, ἐν Ἐφέσῳ δ' ἀλώπεκες καὶ ἐφ' ἡμῶν ἁρμόσει· ἐν σχολῇ λέοντες, ἔξω δ' ἀλώπεκες.[67]

Wehner aptly concludes her section on the first person plural with the remark: 'Epiktet distanziert sich folglich durch die Verwendung der ersten Person Plural nicht von den Schwächen seiner Hörer und schafft somit eine Vertrauensbasis, um seine Appelle an das Publikum richten zu können.'[68]

Epictetus often reproaches his pupils for their lack of diligence but he confesses that he has his moments of slackening too; see, e.g., Epict. 1.10.8:

> But why aren't we men of action? For example, to take myself first: as soon as day breaks I call to mind briefly what author I must read over. Then forthwith I say to myself: 'And yet what difference does it really make to me how so-and-so reads? The first thing is that I get my sleep.'
>
> ἀλλὰ διὰ τί ἡμεῖς οὐκ ἐσμὲν πρακτικοί; εὐθὺς ἐγὼ πρῶτος, ὅταν ἡμέρα γένηται, μικρὰ ὑπομιμνῄσκομαι, τίνα ἐπαναγνῶναί με δεῖ. εἶτα εὐθὺς ἐμαυτῷ· 'τί δέ μοι καὶ μέλει πῶς ὁ δεῖνα ἀναγνῷ; πρῶτόν ἐστιν, ἵνα ἐγὼ κοιμηθῶ.'

In 1.7.31 (discussed above, section 5.1), Epictetus rebukes a pupil who plays down the importance of an error he had made; he immediately adds that his master Musonius had made him the same reproach against him when he was a pupil himself:

> Indeed this is the very remark I made to Musonius when he censured me for not discovering the one omission in a certain syllogism. 'Well', said I, 'it isn't as bad as if I had burned down the Capitol.' But he answered, 'Slave, the omission here *is* the Capitol.'

[67] See also Epict. 3.3.17: 'But as it is, we are caught gaping straightway at every external impression that comes along, and we wake up a little only during the lecture, if indeed we do so even then. After that is over we go out, and if we see a man in grief, we say, "It is all over with him"; if we see a Consul, we say, "Happy man"' (νῦν δ' εὐθὺς ὑπὸ πάσης φαντασίας κεχηνότες λαμβανόμεθα καὶ μόνον, εἴπερ ἄρα, ἐν τῇ σχολῇ μικρόν τι διεγειρόμεθα· εἶτ' ἐξελθόντες ἂν ἴδωμεν πενθοῦντα, λέγομεν 'ἀπώλετο'· ἂν ὕπατον, 'μακάριος').

[68] Wehner 2000, 59. See also Hijmans 1959, 50; Long 2002, 109–112. Wehner, in her n. 15 on p. 59, refers to scholars who observe the same phenomenon in the Jewish-Hellenistic 'diatribe' (Thyen 1955, 90) and Seneca (Husner 1924, 82 and 100; Abel 1995, 108–109).

ἐπεί τοι τοῦτ' αὐτὸ καὶ ἐγὼ Ῥούφῳ εἶπον ἐπιτιμῶντί μοι ὅτι τὸ παραλειπόμενον ἓν ἐν συλλογισμῷ τινι οὐχ εὕρισκον. 'οὐχ οἷον μέν', φημί, '⟨εἰ⟩ τὸ Καπιτώλιον κατέκαυσα', ὁ δ' 'Ἀνδράποδον', ἔφη, 'ἐνθάδε τὸ παραλειπόμενον Καπιτώλιόν ἐστιν.'[69]

In 3.23.29–30, he defends his harsh treatment of his pupils by comparing himself to a doctor, who is also compelled to apply unpleasant therapy to his patients; here too, he states that he received the same treatment from his own master Rufus, whose example he is following now that he has become a teacher himself.

Epictetus does not only blame his pupils for their failures; he repeatedly states that the teacher should dive into his own heart, as at Epict. 2.26.7:

> Point out to the rational governing faculty a contradiction and it will desist; but if you do not point it out, blame yourself rather than the man who will not be persuaded.
>
> λογικῷ ἡγεμονικῷ δεῖξον μάχην καὶ ἀποστήσεται· ἂν δὲ μὴ δεικνύῃς, αὐτὸς σαυτῷ μᾶλλον ἐγκάλει ἢ τῷ μὴ πειθομένῳ.

In 2.19.33, he concludes a long litany on the failures of his pupils by saying:

> Consequently, then, the fault lies either in me, or in you, or, what is nearer the truth, in us both.
>
> λοιπὸν οὖν ἢ παρ' ἐμέ ἐστιν ἢ παρ' ὑμᾶς ἤ, ὅπερ ἀληθέστερον, παρ' ἀμφοτέρους.

Thus it appears that for Epictetus the evaluation of others and the evaluation of oneself are, to all practical means and purposes, one and the same. His exposing of his own weaknesses serves as a didactic device (see the remark by Dobbin, quoted in n. 69), but it may well be more than a mere trick: it may very well be a sincere confession of his own shortcomings, although of course this cannot be positively proved. In spite of these shortcomings, when valuing his pupils he has the duty (as a teacher) and the right (as God's mouthpiece) to call a spade a spade.

Epictetus' self-criticism does not only serve to neutralize the resistance which might result from his criticism and to create a bond between teacher and pupil. By combining his self-criticism with his unrelenting

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[69] Cf. the pertinent remark by Dobbin *ad loc.*: 'In implicating himself in his students' mistakes in § 32, E[pictetus] shows himself a shrewd teacher. Self-criticism helps disarm resistance toward someone who presumes to dictate to others how to behave.'

optimism, he intends to encourage his pupils not to give up the struggle. Even if Epictetus' pupils deserve and need his criticism, there is the danger that they fall victim to a state of mind which in practice is the opposite of οἴησις, namely ἀπιστία, 'despondency': the person with οἴησις has too much self-confidence, the person with ἀπιστία too little. In 3.14.8, Epictetus defines ἀπιστία as 'to assume that one cannot enjoy a life of serenity under so many circumstances' (τὸ ὑπολαμβάνειν μὴ δυνατὸν εἶναι εὐροεῖν τοσούτων περιεστηκότων).[70] Now εὐροεῖν is the result of the successful application of the Stoic theorems to the practice of life; when the pupils constantly hear that they fail to do this, they might easily lose courage and give up philosophy altogether.[71]

Time and again we see Epictetus confessing to the same weaknesses as his pupils. Even so, he repeatedly shows that he is not deterred by his own shortcomings. In 1.2.35–37, he states that the impossibility of reaching absolute perfection is no excuse to stop trying—everybody should exhaust the possibilities he has at his disposal:

> What then? Because I have no natural gifts, shall I on that account give up my discipline? Far be it from me! Epictetus will not be better than Socrates; but if only I am not worse, that suffices me. For I shall not be a Milo, either, and yet I do not neglect my body; nor a Croesus, and yet I do not neglect my property.
>
> τί οὖν; ἐπειδὴ ἀφυής εἰμι, ἀποστῶ τῆς ἐπιμελείας τούτου ἕνεκα; μὴ γένοιτο. Ἐπίκτητος κρείσσων Σωκράτους οὐκ ἔσται· εἰ δὲ μή, οὐ χείρων, τοῦτό μοι ἱκανόν ἐστιν. οὐδὲ γὰρ Μίλων ἔσομαι καὶ ὅμως οὐκ ἀμελῶ τοῦ σώματος· οὐδὲ Κροῖσος καὶ ὅμως οὐκ ἀμελῶ τῆς κτήσεως.[72]

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[70] Kamtekar 1998, 154 argues that in Epict. 3.14.8–9, in which οἴησις and ἀπιστία are treated together, Epictetus departs from Socrates, because the latter was only interested in removing οἴησις: 'The *elenchus* removes conceit, and this is what Socrates does first' (τὴν μὲν οὖν οἴησιν ἔλεγχος ἐξαιρεῖ, καὶ τοῦτο πρῶτον ποιεῖ Σωκράτης, tr. Kamteker). Long 2002, 95–96 combats this view with the argument that 'the transmitted text breaks off here' (that is, after Σωκράτης). The lacuna to which Long refers was postulated by the eighteenth century scholar J.J. Reiske, as is mentioned by Schenkl in his apparatus; Oldfather accepts Reiske's analysis and indicates the lacuna in his text. To my mind there is no lacuna: in the transmitted text, the immediate sequel to Σωκράτης is: 'But that the matter is not impossible, consider and search etc.' (Ὅτι δ' οὐκ ἀδύνατόν ἐστι τὸ πρᾶγμα, σκέψαι καὶ ζήτησον κτλ.), which offers the solution for ἀπιστία. Therefore I agree with Kamtekar against Long that the Socratic element remains confined to the *elenchus*.

[71] Cf. Epict. 3.1.10, quoted above (section 5.2).

[72] Cf. Epict. *Ench.* 51.3: 'And even if you are not yet a Socrates, you must live as if you wish to be a Socrates' (σὺ δὲ εἰ καὶ μήπω εἶ Σωκράτης, ὡς Σωκράτης γε εἶναι βουλόμενος ὀφείλεις βιοῦν). It is therefore surprising to read in the present passage that Epictetus will be satisfied if he is 'not worse' than Socrates, because this means that he thinks it possible to equal Socrates, which he usually regards as flatly impossible.

The very fact that he is their teacher shows that after all it is possible to make progress, even if the final goal cannot be attained; by being the one he is Epictetus shows that it pays to persevere on the long and winding road of προκοπή.[73]

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Epictetus (4.1.111) stresses the importance of 'practice' (μελετή), giving the practical advice to start with small things: 'This is what you ought to practice from morning till evening. Begin with the most trifling things, the ones most exposed to injury, like a pot, or a cup, and then advance to a tunic, a paltry dog, a mere horse, a bit of land; thence to yourself, your body, and its members, your children, wife, brothers' (ταύτην τὴν μελέτην ἕωθεν εἰς ἑσπέραν μελετᾶν ἔδει. ἀπὸ τῶν μικροτάτων, ἀπὸ τῶν εὐεπηρεαστο⟨τά⟩των ἀρξάμενος, ἀπὸ χύτρας, ἀπὸ ποτηρίου, εἶθ' οὕτως ἐπὶ χιτωνάριον πρόσελθε, ἐπὶ κυνάριον, ἐπὶ ἱππάριον, ἐπὶ ἀγρίδιον· ἔνθεν ἐπὶ σαυτόν, τὸ σῶμα, τὰ μέρη τοῦ σώματος, τὰ τέκνα, τὴν γυναῖκα, τοὺς ἀδελφούς).

The importance of μελετή in ancient philosophy in general is stressed by Pierre Hadot, who speaks about 'exercice spirituel'; see Hadot 1981 and 1995. In this regard, one might expand the succinct and adequate characterization of the fictitious dialogues in the 'real' 'diatribe' by Stowers (1981, 177, already quoted in n. 40) to the written 'diatribe': the lecture of Epictetus' *Discourses* as written down by Arrian serves as a source for personal meditation, as is well exemplified by Marcus Aurelius (*Med.* 1.7.3), who thanks Rusticus for having brought Epictetus' *Discourses* to his notice.

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CHAPTER FIFTEEN

HUMAN CONNECTIONS AND PATERNAL EVOCATIONS: TWO ELITE ROMAN WOMEN WRITERS AND THE VALUING OF OTHERS

Judith P. Hallett

1. *Introduction: the 'maternal legacy' of Cornelia's values*

Elite Roman women of the classical era relied heavily on members of the families into which they were born and married for sustenance and support, physical and emotional, from cradle to grave. They were also defined and identified publicly by their family members, the dead as well as the living.[1] This discussion will examine some ways in which two elite Roman women accord value to these family members, to these others. While recognizing their strikingly different personal and historical circumstances, it seeks to underscore the similar ways in which these women accord value to others.

A number of ancient sources describe deeds by elite women in support of their close kin by blood and marriage, such as those of 'Turia' during the proscriptions in the late forties BCE, and those of the so-called Stoic circle of resistance a century later.[2] My discussion, however, will focus on words, words that I have long argued were written by two Roman noblewomen. One of these women lived from the early to the late decades of the second century BCE: Cornelia, daughter of the celebrated general and statesman Publius Cornelius Scipio Africanus, and mother of the

[1] For elite Roman women's dependency on, and identification through, (male) family members see, e.g., Hallett 1984, 63–83; Shelton 1988, 289–307; and Hemelrijk 1999, 7–16.

[2] For 'Turia' (and other elite Roman women who supported close kin during the triumviral proscriptions) and the women of the Stoic opposition see Parker 1998, citing such Roman and Greek sources as Valerius Maximus, Velleius Paterculus, the younger Piny, Martial, Tacitus, Plutarch, Cassius Dio, and Appian as well as the inscriptional evidence of the so-called *Laudatio Turiae*.

radical tribunes Tiberius and Gaius Sempronius Gracchus.[3] The other woman is the late first-century BCE elegiac poet Sulpicia, whom I would identify as the daughter of the jurist Servius Sulpicius Rufus, consul in 51 BCE, and whom her own poetry identifies as closely connected with the celebrated general and statesman Marcus Valerius Messalla Corvinus, brother of Sulpicius' widow Valeria.[4]

Cornelia's parental and political values have received and richly warrant comparison with values ascribed to and displayed by elite males of the classical Roman era. She articulates these values in two excerpts from a letter to her son Gaius, quoted by the late first-century BCE biographer and historian Cornelius Nepos. The letter is dated to 124 BCE, by which time Cornelia was a widow in her sixties.[5] I have contended that a passage addressed to Cornelia's father and critical of Cornelia's sons, from a first-century BCE treatise, the *Rhetorica ad Herennium*, may also be from this letter; whatever its source, it expresses parental and political values resembling those voiced in the passages that Nepos quotes.[6]

These values, characterized in a 2006 essay as Cornelia's 'maternal legacy', privilege human connections and powerful emotions, family ties and the feelings of family members, over abstract rights and principles. Cornelia inextricably links these connections and emotions with patriotic devotion. But the values she evinces in dealing with a defiant son contrast with those embodied by the Roman legal concept of *patria potestas*, reportedly exercised with painful emotional consequences by more than

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[3] For Cornelia, and my arguments supporting her authorship of the epistolary fragments quoted by Nepos, see Hallett 2002a, 2004, and 2006a. For arguments against her authorship altogether see, e.g., Dixon 2007, 27–29; for the argument that Nepos preserves an altered version of what she actually wrote see Horsfall 1987 and 1989.

[4] For Sulpicia, and my arguments supporting her authorship of all eleven 'Sulpicia' elegies in Tibullus Book 3, see Hallett 2002b, 2002c, and 2006b; see also Parker 1994. Most scholars today assume that Sulpicia only wrote the shorter, less learned, elegies 3.13–18; for a history of how this scholarly 'consensus' evolved see Skoie 2002. For the argument that Sulpicia wrote 3.9 and 11, but not 8, 10, and 12, see Parker 1994 and Stevenson 2005, 36–44. For the argument that all of the Sulpicia-elegies are not by Sulpicia, or by a woman at all, see, e.g., Holzberg 1999, 169–191 and Hubbard 2004–2005, 177–194.

[5] For basic biographical information on Cornelia see Badian 1996a. His entry relies heavily on Muenzer 1990; see also Dixon 1988, 168–207 and 2007; Hemelrijk 1999, 193–197; Hallett 2006a.

[6] For the date and authorship of the *Rhetorica ad Herennium* see Caplan 1954, xvi and xxvi. As Anne Higgins has emphasized to me, the passage quoted in the *Rhetorica ad Herennium*, discussed further below, may represent both Tiberius and Gaius as already dead. But Cornelia could be imagining how Gaius will be treated once he is introduced to his grandfather in the afterlife, much as Cicero imagines, at *Pro Caelio* 14.33–34, Clodia being addressed by her own dead ancestor Appius Claudius Caecus.

one legendary Roman *paterfamilias*, head of household, who ordered that his own insubordinate male offspring be put to death for disloyalty to the Roman state. The concept of *patria potestas* springs from the assumption that obligations to the Roman state demand total precedence over emotional concerns for, and of, close kin.[7]

Later Roman writers also attribute Cornelia's values to other legendary and historical Roman mothers and maternal figures. Most notable among them is the Augustan historian Livy, through the words he assigns to Veturia, mother of the legendary Roman traitor Coriolanus at 2.40. To judge from these representations—of Vergil's Amata in *Aeneid* 7 and 12, and Propertius' Cornelia in 4.11 as well as Livy's Veturia—Romans of the classical period would appear to have associated these values with female and maternal rather than male and paternal approaches to familial interactions.[8]

Various authors, however, also ascribe similar values to certain Roman paternal figures. Most notable among them is Livy's contemporary Vergil, through the words he assigns to Aeneas' dead father Anchises, in *Aeneid* 6, when the two men are reunited in the underworld. Anchises speaks critically of legendary Romans such as Lucius Junius Brutus, who exercised his *patria potestas* to have his politically transgressive sons executed. So, too, Anchises privileges family feeling in his address to Julius Caesar and his foe Pompey in *Aen.* 6.830–831 as *socer generque*, 'father-in-law and son-in-law', when condemning their tragic political and military opposition to one another.[9]

Two influential studies in the fields of political philosophy and social psychology may help us to contextualize and illuminate Cornelia's parental and political values. According to Charles Taylor's (1989) analysis, Cornelia's modes of thought and communication mark her as centuries

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[7] With a play on words, Hallett 2004 refers to Cornelia's assumption of authority as *matria potestas*; the phrase 'maternal legacy' appears in the title of Hallett 2006a. See also Hallett 2004, 27–29 and Hallett 2006a, 128–129, on Livy's portrayals of Torquatus at 8.7.15 and Brutus at 2.5.5 ff.; see Nicholas and Treggiari 1996, for the concept of *patria potestas*.

[8] For similarities between the words of Cornelia in the letter and those of Livy's Veturia, three female characters in Vergil's *Aeneid* (Amata, Dido, and the mother of the Trojan warrior Euryalus), and Propertius' Cornelia see Hallett 2002d, 2004, and 2006a. Propertius' Cornelia comes from the same family as Cornelia, mother of the Gracchi: she alludes to her Scipionic ancestors at 4.11.29–32 and 37–38, and—as Hallett 1986, observes—echoes Scipio's famous epitaph at 101–102.

[9] For Anchises' family-first priorities, and 'transgendered stance' when advising his son at *Aen.* 6.817–825 and 830–832, see Hallett 2002a, 20–21 and 2004, 36–37. For the concept of 'transgendering' see McManus 1997, 91–118.

ahead of her time. Taylor contends that defining, as Cornelia does, one's political identity in relation to others, particularly family members and their emotional needs, stems from progressive thinking in eighteenth-century Europe and America. This 'new moral culture', he states, 'accords significance … to the family'; it 'makes feelings morally crucial, and makes much of their exploration and expression'.[10]

So, too, Carol Gilligan (1982) contrasts the self that is defined through separation with the self that is delineated through connection, and an ethics based on rights with one based on relationships and responsibilities. She regards women in contemporary Western society as more likely than men to view themselves as connected to others, and to give a higher priority than men do to their relationships and responsibilities. According to Gilligan's analysis, therefore, Cornelia is also a strikingly contemporary figure, exhibiting gendered behavior typical of our own culture.[11]

Nevertheless, I will also maintain that Cornelia's self-representation through the language of human connection also differentiates her from Western women today. Indeed, her mode of claiming authority in the process of communicating with and about family members characterizes her as distinctively Roman. I will contend, too, that similar strategies of communication, involving both the language of human connection and a more expansive definition of what constitutes 'family', inform the writings of another later, and younger, aristocratic Roman woman, the Augustan elegist Sulpicia, as well: both the eleven elegies associated with her in Tibullus Book 3, dated to approximately 19 BCE, and the elegiac inscription honoring her Greek slave woman Petale recently 'rediscovered' by Jane Stevenson.[12]

First of all, I will illustrate that, and how, both women emphasize emotions and rely on emotional appeals—with language that not only conveys their own strong feelings but also underscores the feelings of others and for others—when attempting to motivate and persuade men: in Cornelia's case, a son; in Sulpicia's, a lover and a maternal uncle functioning as a legal guardian. But I will also argue that in making and affirming connections with others in their family circles, both women simultaneously identify with and challenge the values associated with their deceased fathers. It is my contention, in fact, that both women were

[10] Taylor 1989, 305–320; and Hallett 2006a, 137. I am grateful to my former student Daniel Kapust for calling the Taylor book to my attention.

[11] Gilligan 1982, 24–63, discussed in Hallett 2002a, 17; 2004, 30–31; and 2006a, 133–134.

[12] Stevenson 2005, 42–44; Hallett 2009, 175–191.

more easily able to challenge their fathers' values because their fathers were long dead at the time that they wrote: Cornelia, after all, seems to have been born not long before her father's death in 183 BCE; Sulpicia would have been at most a small child when her father died in 43 BCE.[13] Let us now look in some detail at how both women express their own wishes and manage to exercise agency, while making the feelings of others as well as their own morally crucial, and while evoking and contrasting themselves to their own fathers.

2. *Cornelia's letter to Gaius: challenging and connecting with a defiant son; recalling and distancing herself from a dead father*

In both excerpts of the letter to Gaius quoted by Nepos, Cornelia attempts, in unhappy and outraged words, to convince her son not to run for tribune of the people: the same office held by his elder brother Tiberius when he was assassinated by personal enemies in 133 BCE. Her feelings occupy center stage. Midway through the second excerpt she begs Gaius at the very least to 'seek the office of tribune when I will be dead' (*ubi ego mortua ero, petito tribunatum*). The excerpt itself begins by alluding to the pain of Tiberius' loss. Cornelia states that 'except for those who murdered Tiberius Gracchus, no personal enemy has foisted so much difficulty and so much distress upon me as you have because of these matters' (*praeterquam qui Tiberium Gracchum necarunt, neminem inimicum tantum molestiae tantumque laboris, quantum te ob has res, mihi tradidisse*). Nine of the twelve children that Cornelia bore had died when still very young: Tiberius' death meant that only two of her offspring—Gaius and his sister Sempronia—still survived at the time she wrote this letter. In this excerpt she alludes to all of her other dead children too, by saying that Gaius 'should have shouldered the responsibilities of all those children whom I had in the past' (*quem oportebat omnium eorum quos antehac habui liberos partes tolerare*). Gaius, of course, did not heed his mother's words: he ran for the office anyhow, won, and was then assassinated by personal enemies in 121 BCE.[14]

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[13] For the date of Scipio Africanus' death see Hallett 1996, 419–420, discussing the evidence of Cicero, *De Senectute* 19 and Livy 39.52; for Servius Sulpicius Rufus see Badian (with Pelling and Heath) 1996b; for the view that Sulpicia is this man's granddaughter see Syme 1981, 421–427.

[14] The translation of Cornelia's letter is that of Hallett 2002a, 22–23; see also Hallett 2006a, 122, on Cornelia's children, citing Seneca, the elder Pliny and Plutarch as sources.

In the first excerpt Cornelia voices an argument against Gaius' political plans on the grounds of moral principle: that revenge on personal enemies may be great and beautiful, but if such revenge proves harmful to one's country it is unacceptable:

> You will say that it is a beautiful thing to take vengeance on enemies. To no one does this seem either greater or more beautiful than it does to me, but only if it is possible to pursue these aims without harming our country.
>
> dices pulchrum esse inimicos ulcisci. id neque maius neque pulchrius cuiquam atque mihi esse videtur, sed si liceat re publica salva ea persequi.[15]

But in the second excerpt she makes a guilt- and shame-inducing emotional plea, associating Gaius with her own *inimici* if he runs for tribune and damages their country. In fact, she specifically associates 'opposing me' and 'destroying our country' (*quin et mihi adversere et rem publicam profliges*).[16]

Not only does Cornelia predict her son's own unhappiness if he seeks this office, by asseverating that 'if you persist, I fear that, by your own fault, you may incur such trouble for your entire life that at no time would you be able to make yourself happy' (*et si perseveras, vereor ne in omnem vitam tantum laboris culpa tua recipias uti in nullo tempore tute tibi placere possis*), she also stresses her own emotional pains and losses by telling Gaius that 'you should have shown concern that I might have the least difficulty possible in my old age and that you would consider it sacrilege to do anything of rather serious significance contrary to my feelings' (*curare ut quam minimum sollicitudinis in senecta haberem . . . atque uti nefas haberes rerum maiorum adversum meam sententiam quicquam facere*). In entreating Gaius to wait until she is dead if he absolutely must run for the tribunate, she emphasizes, with the verb *sentire*, 'to feel in one's senses', that at that point she will be beyond human feeling: 'as far as I am concerned, do what will please you when I shall

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[15] The remainder of the first fragment states: *Sed quatenus id fieri non potest, multo tempore multisque partibus inimici nostri non peribunt, atque uti nunc sunt erunt potius quam res publica profligetur atque pereat*, 'But seeing as that cannot be done, our enemies will not perish for a long time and for many reasons, and they will be as they are now rather than have our country be destroyed and perish.' Her reflection on an abstract 'thing' that is more important and more beautiful to one personally may allude to the words of an earlier Greek woman writer—Sappho, fr. 16 L–P, which recognizes that different people have different definitions of 'the most beautiful thing' (*kalliston*).

[16] The verb *profligare*, as the passage quoted in the preceding note testifies, also appears in the first excerpt; like the noun *inimicus*, which figures in both excerpts as well, it helps associate Cornelia herself with the Roman state.

not perceive what you are doing' (*per me facito quod lubebit, cum ego non sentiam*).

Cornelia represents her losses—of Tiberius and all the other children she had in the past—as creating additional family responsibilities for Gaius, among them making sure that she herself suffers minimal anxiety in her old age. Yet Cornelia also inquires of Gaius, in a series of rhetorical questions, when their entire family will stop behaving insanely. Reminding her son that he will sacrifice to her as a parent when she is dead, she asks if it will not shame him to seek prayers of those gods whom he abandoned and deserted when they were alive: that is, family members such as herself who were worshipped as divine spirits within their households after their deaths. Finally, she invokes the god Jupiter to stop her son's madness:

> What end will there finally be? When will our family stop behaving insanely? When will a limit be able to be imposed on this matter? When will we cease insisting on troubles, both suffering and causing them? When will we begin to feel shame about disrupting and disturbing our country? … When I have died, you will sacrifice to me as a parent and call upon the god of your parent. Does it not shame you at that time to seek prayers of those gods whom, when they were alive and on hand, you considered abandoned and deserted? May Jupiter not for a single instant allow you to continue in these actions, nor permit such madness to come into your mind.

> denique quae pausa erit? ecquando desinet familia nostra insanire? ecquando modus ei rei haberi poterit? ecquando desinemus et habentes et praebentes molestiis insistere? ecquando perpudescet miscenda atque perturbanda re publica? … ubi mortua ero, parentabis mihi et invocabis deum parentem. in eo tempore non pudet te eorum deum preces expetere, quos vivos atque praesentes relictos atque desertos habueris? ne ille sirit Iuppiter te ea perseverare, nec tibi tantam dementiam venire in animum.

By stressing the emotional consequences of Gaius' behavior for Gaius as well as for herself, Cornelia seeks to connect with as well as persuade him.

It is tempting to postulate that Cornelia—whose husband Tiberius Sempronius Gracchus had died soon after she gave birth to Gaius, the youngest of their offspring, in 154 BCE—is simply assuming what would have been the role of her late husband in advising her son how to conduct himself in the pursuit of a political career.[17] But to view her words to Gaius as mere parental advice disregards what is significant and to some scholars problematic about them: the powerful emotional quality of her rhetoric, and the combination of anger and sorrow conveyed by her

[17] For Cornelia's husband see, e.g., Badian 1996c and Hallett 2006a, 121–122.

words.[18] As has been observed, Cornelia's gender helps to explain and even justify her reliance on an emotionally fueled motivational strategy. As a woman who did not have *patria potestas* or formal political authority, despite her lofty social stature and influence, Cornelia could not rely on the same punitive powers that a Roman father could summon up in trying to bend her son to her will and see things her way.[19] It is also noteworthy that Cornelia fails to mention her dead husband among her losses in the surviving excerpts of this letter; she only talks about her dead children, when she speaks of their family and Gaius' relationship to it, for the purpose of inducing Gaius' own feelings of guilt and shame.

Her family and its continuity are of paramount importance to Cornelia in this letter. She portrays herself as her family's authoritative representative, connected with and about to join the dead, and consequently able to speak for those already long deceased as well as for living family members. Furthermore, Cornelia expects to live on after death through her family's ancestor worship, and through her family business, the Roman state.

To be sure, Cornelia does not state specifically that her father, Publius Cornelius Scipio Africanus, is among the family members whom she accuses of having behaved insanely. Yet she may well allude to her father with another phrase, one that I, and others, have translated 'god of your parent' (*deum parentem*). The phrase is customarily thought to refer to Cornelia herself once she is dead, even though *deum* is a masculine noun.[20] But *deum* might refer to her father instead. Or, if we read *deum* as a masculine genitive plural form (which it is in the next sentence), rather than a masculine accusative singular, the phrase can also mean 'parent of the gods'.[21] In this instance it would refer to the father-god Jupiter, with whom, in his role as Jupiter Optimus Maximus, 'the best and the greatest', Cornelia's father Scipio Africanus claimed a privileged relationship.[22]

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[18] For a scholarly response to Cornelia's display of raw emotions see, e.g., Horsfall 1989, 126: 'Four successive questions begin massively with "ecquando", "whenever". Unwomanly, it has been thought. But hardly a decisive argument against Cornelia's authorship'; see also Hallett 2006a, 127 with nn. 18 and 19.

[19] For Cornelia's lack of paternal authority see Hallett 2004, 25–33; 2006a, 127–129; and 2009, 181–182.

[20] See, e.g., Horsfall 1989, 126; Courtney 1999, 138; and Farrell 2001, 58–65. See, too, Hallett 2009, 182 n. 15 for the possible translation '[you will call upon] that parent as a god'.

[21] See Hallett 2009, 182; my thanks to Luigi De Luca for this perceptive suggestion.

[22] For this special relationship, attested to by e.g. Livy 22.53.11 and 28.28.11 and by Aulus Gellius 4.18, 6.1.6, and 12.8, see Hallett 1996, 409–438.

What renders a connection between the phrase *deum parentem*, and either Jupiter or her father Scipio Africanus, or both, more plausible is that Cornelia invokes Jupiter himself in the sentence after that. In so doing, she employs words—'may Jupiter not for a single instant allow you to continue in these actions' (*ne ille sirit Iuppiter te ea perseverare*)—that resemble those ascribed to her father by the later historian Livy. At 28.28.11 Livy states that Scipio, addressing his mutinous soldiers in 206 BCE, proclaimed, 'May Jupiter Optimus Maximus not allow that the city of Rome—founded, with due auspices and the favor of the gods, to endure forever—live no longer than my own, weak, mortal body.'[23] In so doing, Livy portrays Cornelia's father as resembling Cornelia herself: voicing his commitment to the welfare of the Roman state by emphasizing that it must long survive him, and the politicians of his own time, physically.

The words of another speech by Scipio Africanus, dated to 185 BCE and provided by the second-century CE writer Aulus Gellius at *Noctes Atticae* 4.18.3, also have affinities with those of Cornelia in this letter. In addition to invoking Jupiter Optimus Maximus, Scipio here refers to Hannibal, enemy of the entire Roman state, with the superlative of the Latin word for personal enemy used by Cornelia, *inimicissimus*.[24] Admittedly, Livy's account does not necessarily provide an accurate report of what Scipio actually said on an occasion nearly 200 years before Livy wrote; Gellius asserts that he is quoting Scipio's exact words, although he only quotes a few of these words. Nevertheless, the resemblances between what Cornelia says and what both authors claim that her father said are noteworthy.

Similarities between what Cornelia says in this letter, and the language and tone of *Rhetorica ad Herennium* 4.22, a passage from a treatise dated to several decades after Cornelia's letter, also merit notice. The treatise quotes this passage, whose author is never identified, to illustrate the figure of speech known as apostrophe or *exclamatio*. After defining this figure as 'expressing sorrow or outrage by an address to some person or city or place or thing', it illustrates the figure with the following example (*Rhet. Her.* 4.22):

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[23] *Ne istuc Iuppiter optimus maximus sirit, urbem auspicato deis auctoribus in aeternum conditam huic fragili et mortali corpori aequalem esse.*

[24] *'Memoria', inquit, 'Quirites, repeto, diem esse hodiernum quo Hannibalem Poenum imperio vestro inimicissimum magno proelio vici in terra Africa pacemque et victoriam vobis peperi spectabilem,'* 'I remember,' he said, 'fellow Romans, that today is the day on which I conquered Hannibal the Carthaginian, most hostile to your military power, in a great battle on African soil, and I brought to birth for you peace and a conspicuous victory.'

> Now I address you, Africanus, the name of whom—even though you are dead—is a source of luster and glory to the state. With their own blood your most famous grandsons have nourished the *cruelty of their personal enemies*.
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> te nunc adloquor, Africane, cuius mortui quoque nomen splendori et decori est civitati. tui clarissimi nepotes suo sanguine aluerunt *inimicorum crudelitatem*.

Here, then, we have a sorrowful and angry effort to communicate with a dead person who happens to be Cornelia's father, and who is praised for his achievements that immortalize the Roman state. What is more, like Cornelia's letter, this instance of apostrophe criticizes his most famous grandsons, Tiberius and Gaius Gracchus, and characterizes them as provoking their personal enemies—called *inimici*—by their destructive, and self-destructive, conduct.[25] For this reason, I think it possible that this passage constitutes another excerpt from Cornelia's sorrowful and angry letter to Gaius. Cornelia, after all, harshly faults the political behavior of her sons, and invokes her family and 'us' as well as the god Jupiter in faulting them.

However these passages from the *Ad Herennium*, Aulus Gellius, and Livy are related to one another, however they may or may not document the relationship between the words and views of Cornelia's father and those of Cornelia, such evidence still demands our scrutiny. It strengthens the supposition that Cornelia also endeavors to connect with Gaius by identifying with, and thereby appropriating the authority of, her long-dead father in the excerpts from the letter quoted by Nepos. She seeks this identification and appropriation of authority in various ways: by invoking her father's patron deity (and perhaps her father in his posthumous status as a deity), by employing memorable words attributed to her father by others, and by blurring the distinctions between Gaius' living and dead family members. Most important, Cornelia, as her father is reported to have done, represents her dedication to the Roman state as an abiding family commitment to a larger-than-life, and a longer-than-life, enterprise.[26]

But the passages from both Livy and Aulus Gellius representing the words of Cornelia's father also portray him as scornful and contemptuous

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[25] As Hallett 2006a, 135, and 2009, 184, note, Livy's Veturia similarly uses the verb *alere* in the perfect tense in a figurative description of the relationship between the Roman state and men whose political conduct is capable of distressing elder family members. Livy may therefore be echoing both the address to Africanus and the excerpts from Cornelia's letter quoted by Nepos because both come from the same source.

[26] These points are made, often in similar language, by Hallett 2009, 184–185.

of their addressees. Gellius relates that Scipio concluded the speech in which he invoked Jupiter Optimus Maximus and referred to Hannibal as *inimicissimus* by dismissing Marcus Naevius—the tribune of the people charging him with having taken money from King Antiochus to make peace—as a 'worthless individual' (*nebulo*), and by demanding that all assembled leave Naevius and go at once to give thanks to Jupiter Optimus Maximus on the Capitol. In the same chapter, Gellius describes how Scipio, when ordered to account, before the Roman Senate, for both the spoils of the war with Antiochus and the king's money, pulled out from the folds of his toga a roll supposedly containing such an account—only to rip it into shreds, indignant that such a demand be made of him.[27] By way of contrast, the words that Cornelia addresses to Gaius, though angry and sorrowful, are respectful and accountable, explaining in detail her grounds for opposing Gaius' decision.

So, too, in Livy's rendition of the speech delivered to the military mutineers, Scipio repeatedly accuses them of being insane.[28] While Cornelia's letter refers to the insanity of 'our family', and expresses the wish that Jupiter not allow such madness to enter Gaius' mind, she does not level such a direct accusation at Gaius himself; indeed, the first-person plural possessive adjective *nostra* implicitly associates Cornelia herself with a maddened mental state, connecting her with rather than separating her

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[27] Aulus Gellius 4.18.3–4: '... *non igitur simus adversum deos ingrati et, censeo, relinquamus nebulonem hunc, eamus hinc protinus Iovi optimo maximo gratulatum.' id cum dixisset, avertit et ire ad Capitolium coepit*, '"... let us therefore not be ungrateful to the gods and, I think, let us leave behind this loser, and let us go from here immediately to give thanks to Jupiter the Greatest and the Best." When he had said this, he turned away and began to go to the Capitol'; 4.18.9–12: *Ibi Scipio exsurgit et, prolato e sinu togae libro, rationes in eo scriptas esse dixit omnis pecuniae omnisque praedae: illatum, ut palam recitaretur et ad aerarium deferretur. 'sed enim id tam non faciam', inquit, 'nec me ipse afficiam contumelia', eumque librum statim coram discidit suis manibus et concerpsit, aegre passus quod cui salus imperii ac reipublicae accepta ferri deberet rationem pecuniae praedatae posceretur*, 'Then Scipio got up and, having pulled out a roll from the fold of his toga, said that accounts had been written down in it of all the money and all the booty: he had brought it in, so that it might be read out in public and deposited in the treasury. "But indeed I am not going to do that", he said, "nor will I inflict disgrace on myself." In the presence of everyone he immediately tore apart the roll with his own hands and ripped it to shreds, indignant because a demand was being made for an accounting of money taken in war from the man to whom the safety of the state and government ought to be credited.'

[28] Cf. Livy 28.27.11–12: *et causa atque origo omnis furoris penes auctores est, vos contagione insanistis*, 'the cause and beginning of every madness belongs to its instigators, you have become insane owing to contagion'; 29.3 *insanistis profecto, milites*, 'you have certainly become insane, soldiers'.

from her son. Unlike her father, even in moments of anger and sorrow, she attempts to minimize the emotional differences between herself and others: challenging his distanced and arrogant stance as a mode of effective communication, connecting as usual. And it is by no means implausible that Cornelia alludes to, and faults, her father in characterizing 'our family' as insane.

3. *Sulpicia's eleven elegies and epitaph: recalling and distancing herself from a father; confirming connections within and outside her family*

The eleven poems of the later, and much younger, love elegist Sulpicia come down to us in Book 3 of the Augustan elegist Tibullus, as elegies 8 through 18. They contrast in numerous respects with Cornelia's letter to her son: first and foremost in their assumptions about desirable human behavior. Cornelia, as we have observed, employs the verb *insanire* when faulting her son, and their entire family, for behaving insanely, without a sound mind. At 3.12.18, however, Sulpicia proclaims that that she 'would not wish to have been of sound mind, even if it were possible' (*nec liceat quamvis sana fuisse velit*). Her expressions of passion for a young lover—whom she addresses in several of the eleven Sulpicia elegies, and calls by the pseudonym Cerinthus—reflect an emotionally heated, unbalanced mental state.[29] In her poems she represents herself as attempting to manage the trysts and turns of a steamy affair with what we might call a toy-boy, not the public image and pursuits of a family at the heart of Rome's political power structure.

Sulpicia's invocation and evocation of her dead father Servius Sulpicius Rufus, too, are different from Cornelia's allusions to Scipio Africanus. They are also unexpected, since elsewhere in her poems she does not speak deferentially to, or about, living parents and parental surrogates. At 3.14.5–6 she directly addresses, by name, her maternal uncle and presumed guardian Messalla—protesting his plans to separate her from Cerinthus on her birthday, characterizing him as *nimium studiosus*, 'excessively attentive': 'Now, Messalla, excessively attentive to me, would you calm down. Often journeys are at the wrong time, kinsman' (*iam, nimium Messalla mei studiose, quiescas: | non tempestivae saepe, pro-*

[29] For the pseudonym Cerinthus, and its literary associations, see Roessel 1990, 243–250 and Hallett 2006b, 37–42.

pinque, viae).[30] So, too, she employs the feminine of this adjective, *studiosa*, for her mother at 3.12.15–16. Here she resists her mother's well-intentioned efforts to interfere with her own erotic desires: 'her attentive mother also teaches her what she should wish; she now asks for something different in her silent mind' (*praecipit et natae mater studiosa quod optet: | illa aliud tacita tam sua mente rogat*). After criticizing Cerinthus' plans to go boar-hunting, and the pursuit of hunting itself, at 3.9.23–24, she tells her lover to leave the passion for hunting to his own father, disparaging his father in the process: 'but you leave the desire for hunting to your parent, and quickly return yourself to my embrace' (*et tu venandi studium concede parenti, | et celer in nostros ipse recurre sinus*).

Nevertheless, in elegy 16, Sulpicia proudly identifies as her father's daughter when reproaching her lover for preferring a woman of low social status. The elegy, six lines long, bears quoting in full:

> I am thankful that you, free from any care about me,
> are now so indulgent to yourself, in order that I, clumsy as I am, may protect myself from suddenly taking a bad fall.
> May your caring for a woman clad in [a whore's] toga and a partner-for-hire loaded with a wool-basket
> be stronger than Sulpicia, *daughter of Servius*.
> Still, men are anxious about me, to whom it is the greatest cause of sorrow
> that I may yield my position in your bed to a total nobody.

> gratum est, securus multum quod iam tibi de me
> permittis, subito ne male inepta cadam.
> sit tibi cura togae potior pressumque quasillo
> scortum quam *Servi filia* Sulpicia:
> solliciti sunt pro nobis, quibus illa doloris
> ne cedam ignoto, maxima causa, toro.

With the phrase *Servi filia Sulpicia*, as Jane Stevenson and Stephen Hinds have observed, Sulpicia employs an elaborate *jeu de mots* to identify herself in relation to her father. His *praenomen*, Servius, derives from *servus*, 'slave'. The female rival, partner-for-hire in a whore's toga, with whom she favorably contrasts herself, is presumably a slave or ex-slave sex-worker. Thus Sulpicia engages in verbal play with the ironies of women's erotic identity: a prostitute is worlds apart from Sulpicia but curiously both are *servi filia*, 'a slave's daughter' and 'Servius' daughter'.[31]

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[30] The translations of Sulpicia are those of Hallett 2002b, 45–65 and 2009, 185–190.
[31] Hinds 1987, 44–45; Stevenson 2005, 44.

All the same, by merely mentioning her father's name, she affirms her privileged social status and the exclusive claim on her lover's affections that her aristocratic social pedigree should secure. So, too, she alludes to the other men concerned on her behalf, presumably her male kin and father surrogates such as Messalla, again to wield her lofty social status as a love weapon.

Yet in this poem Sulpicia is addressing her lover, and emphasizing her emotional connections with him even as she faults him, much as Cornelia does with her son. She pointedly—and sarcastically—represents her unhappiness over his relationship with another woman as the cause for her own gratitude, characterizing this relationship as calculated to protect her from regrettable conduct. She emotionally connects her male relatives with him too, by claiming that they are sorrowing over his new female lover.

Sulpicia's communicative strategies of emotional connection not only resemble those employed by Cornelia, they also have antecedents in earlier Latin love poetry, and especially love elegy, the most notable examples of which come from the verses of Catullus, a putative kinsman whom she frequently evokes.[32] In poem 11, written in the Sapphic meter, Catullus asks his addressees, Furius and Aurelius, to convey a farewell message to his female beloved, and thereby hear and share his pain. In the first of his elegiac poems, 65, he unburdens himself to his addressee Quintus Hortensius Hortalus, and implicates Hortalus in his own emotionally charged literary plight through a simile likening the request that Hortalus has made for a poem to an apple sent as a secret gift to a forgetful young girl from her betrothed. At 68.1–14, also written in the elegiac couplet, Catullus highlights the emotional suffering that his addressee is undergoing by citing his own, and describing both through the metaphor of turbulent waters.[33] But Sulpicia's invocation of her politically powerful father in support of her own erotic and emotional claims has no precedent in Roman amatory verse. Nor, as far as we can tell, do her poetic evocations.

For, when asserting her rights, and emotional needs, with her surrogate father Messalla in two other elegies, Sulpicia punningly evokes, through the use of legal language, her father's professional expertise as an authority on Roman jurisprudence. At 3.14.7–8, Sulpicia employs the technical legal terms *vis*, 'use of force', and *arbitrium*, 'exercise of

[32] Hallett 2002c, 141–149.

[33] For the figurative language of Catullus 68.1–14 see Skinner 2003, 42–43.

judgment', in the course of challenging Messalla's attempt to control her movements:

> Although I have been led away, I leave behind my heart and my emotions,
> although he does not allow me to exercise my own judgment.
>
> hic animum sensusque meos abducta relinquo,
> arbitrio quamvis non sinit esse meo.

At 3.15.3, she depicts herself as having prevailed over Messalla, and emphasizes her successful advocacy in line three by exhorting, 'let this birthday be celebrated by all of us' (*omnibus ille dies nobis natalis agatur*). Latin *agere* can mean 'to plead a case in court'; the passive voice and jussive subjunctive mood further invest *agatur* with legal overtones.[34]

As Cornelia does in her letter to Gaius, moreover, in her eleven elegies Sulpicia both identifies with and challenges the values of her late father, while employing the language of human connection. Her efforts to connect with a different kind of 'family member', in the eight-line funerary inscription recently 'recovered' by Jane Stevenson, also demand our attention in this regard. Unearthed in the mid 1920's by Paolino Mingazzini, and identified as the work of Sulpicia in 1929 by Jerome Carcopino, this text has attracted little attention from Sulpicia scholars over the past seventy-five years (perhaps because of the controversy surrounding Carcopino's later career as education and youth minister in the Vichy government of Nazi-occupied France).[35]

The inscription is written in elegiac couplets, Sulpicia's signature meter, and datable to the early Augustan period when Sulpicia wrote; it commemorates a Greek female slave named Petale who served in the capacity of *lectrix*, a female who reads aloud:

> Passer-by, look at the ashes of the female reader named [or belonging to or commemorated by] Sulpicia,
> to whom the slave name Petale had been given.
> She had lived for three times ten years plus four in number;
> she had produced a son, Aglaon,[36] while on earth.
> She had seen all good things of nature, she was flourishing in art,
> she was glittering in beauty, she had grown in talent.
> Envious Fortune was unwilling for her to spend a long time in life.
> Their own distaff failed the Fates.

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[34] See Hallett 2009, 186–187, citing the *OLD* entries for *arbitrium* and *ago*.

[35] For the inscription, *AE* 1928: 73–74, see Stevenson 2005, 43–44; Mingazzini 1926; Carcopino 1929, 84–86; and Hallett 2009, 187.

[36] Greek for 'gleaming', a bilingual pun on *splendebat*.

Sulpiciae cineres lectricis cerne viator
quoi servile datum nomen erat Petale.
ter denos numero quattuor plus vixerat annos,
natumque in terris Aglaon ediderat.
omnia naturae bona viderat arte vigebat,
splendebat forma, creverat ingenio,
invida fors vita longinquom degere tempus,
noluit hanc fatis; defuit ipse colus.

In its use of wordplay, the inscription resembles Sulpicia's elegies: not only elegies 14 and 15, with their puns on technical legal language, but also and especially 16, since it, too, plays on the name of Sulpicia's father to connect Sulpicia with a lowly born slave woman. Here, though, the woman is not a sexual rival, but a cherished member of Sulpicia's own household. The phrase applied to Petale's charred remains, *Sulpiciae cineres lectricis*, can mean 'the ashes of the female slave reader named Sulpicia', as any female slave of Servius Sulpicius' household would officially be called in Latin after manumission. But it can also signify 'the ashes of the female slave reader belonging to the mistress Sulpicia'—and Sulpicia may well have inherited slaves of her late father's household, especially female slaves with literary duties. It could even refer to 'the ashes commemorated by the mistress Sulpicia, herself a reader', which the literarily learned Sulpicia certainly was.

Whether the genitive singular form of Sulpicia here refers to the slave Petale, or her free-born and well-born mistress, or both, its prominent placement as the first word of the inscription represents this dead and lowly born woman as belonging to the *familia* of Servius Sulpicius: that is, the male-headed household of all persons subject to the control of one man, the *paterfamilias*, whether relations, freedmen, or slaves. By commemorating this member of her father's *familia*, and representing their household by so doing, Sulpicia identifies with her father by undertaking one of his public functions. Yet she does so in emotionally powerful language that celebrates her own values, and connects her closely with the woman commemorated because of their shared pleasures in art and talent, love and beauty.

It merits note that several Roman authors—Horace, Ovid, and the younger Pliny—represent poetry, and indeed erotic poetry, as interests and practices of Sulpicia's father and of her surrogate father Messalla.[37] Sulpicia, therefore, also publicly identifies with both men merely by

[37] Hor. *Sat.* 1.10.86–87; Ov. *Tr.* 2.441–442 (referring to Sulpicius' *improba carmina*,

writing erotic elegy. However, *Ad Familiares* 4.5, a letter from Sulpicia's father to Cicero, consoling him on the death of his own daughter Tullia in 45 BCE, indicates that his notions of what an aristocratic young woman should value in life differed sharply from those espoused by Sulpicia herself, both in her own poems and her commemoration of Petale.

In reflecting on what Tullia had to live for, Sulpicius remarks:

> What, however, was there that might greatly encourage her at this time to go on living? What situation, what hope, what solace to her spirit? That she might spend her life connected with some up-and-coming young man? Was it, I trust, within the realm of possibility for you to choose a son-in-law up to your own standards from today's youth, a man to whose reliability you would think to entrust your children safely? Or so that she might bear children, in whom she might take pleasure when she saw them thriving, the kind who would be able to hold on by themselves to an estate bequeathed them by their father, who would be about to seek high political offices following the traditional order in our state, who would employ their freedom in the services of friends?
>
> quid autem fuit quod illam hoc tempore ad vivendum magno opere invitare posset? quae res, quae spes, quod animi solacium? ut cum aliquo adulescente primario coniuncta aetatem gereret? licitum est tibi, credo, pro tua dignitate ex hac iuventute generum deligeres, cuius fidei liberos tuos te tuto committere putares? an ut liberos ex sese pareret, quos cum florentis videret laetaretur, qui rem a parente traditam per se tenere possent, honores ordinatim petituri essent in re publica, in amicorum negotiis libertate sua usuri?

Sulpicius' letter presumes that he and Cicero hold the same assumptions about what Tullia, who was in her early thirties at the time of her death, could have aspired to achieve and experience had she lived.[38] He first describes Tullia's putative objective in life as 'marriage to some young man of distinction'. He then mentions bearing male children who would maintain their ancestral inheritance and seek political office; he also implies that it would be impossible for Cicero to find a worthy son-in-law in the current generation.

The limited horizons, the conventional and constricting social values, that Sulpicius attributes to Cicero's daughter (and by implication to his own daughter as well) stand in sharp contrast to what his actual daughter accomplished, claimed to experience herself, and honored in cele-

'naughty verses'); Plin. *Ep.* 5.3.2–3 (referring to his *versiculos severos parum*, 'little verses insufficiently restrained').

[38] For Tullia see Badian 1996d.

brating the life of her slave Petale. First and foremost, she exults in the opportunity to express herself and her feelings in poetry. At 3.13.3–6 she even states that her verses enable her to share her love affair with a wider audience, and encourages her readers to partake of her emotional elation vicariously if they do not have love affairs of their own:

> Won over by the promises that my Roman Muses inspired, Venus of Cythera
> brought him to me and dropped him in my embrace.
> Venus has fulfilled her promises: let anyone tell of my joys
> if they will be said to have been without joys of their own.

> exorata meis illum Cytherea Camenis
> attulit in nostrum deposuitque sinum.
> exsolvit promissa Venus: mea gaudia narret,
> dicetur si quis non habuisse sua.

In the inscription, she extols Petale as a performer and perhaps creator of literature by observing that she was thriving in her art and had grown in her talent.

Whereas Sulpicius supposes that Tullia would have hoped for a marriage to a promising young man and for male offspring who would represent their family in the public arena, Sulpicia never, ever mentions the prospect of marriage to her beloved. In fact, she makes it clear at 3.13.9 that theirs is an illicit and consummated romance, with the phrase *peccasse iuvat*, 'it's fun to have been bad'. Nor does she voice a wish for children of her own, though she notes that Petale gave birth to a son, Aglaon, 'the gleaming one'. More important to her is that Petale 'saw all good things of nature' and was glowing in her own physical beauty; in several of the Sulpicia elegies, most notably 3.8, she makes much of her own physical allure, displayed to full advantage by an expensive wardrobe.

4. *Conclusion*

Cornelia and Sulpicia emphasize emotions and rely on emotional appeals in their verbal efforts to value and connect with family members (both traditionally and non-traditionally defined). At the same time, they invoke and evoke, extol and challenge, their dead fathers. By so doing, Cornelia and Sulpicia testify to the power of Roman patriarchy and the individual, elite Roman patriarchal family, albeit in a distinctive, subversive way.

It warrants note that these emotionally charged words voiced by Roman women to males that they value, be they a kinsman or lover, resemble those assigned by ancient male authors to historical Roman women, thereby rendering their representations of these women more plausible. Among them is Plutarch, *Brutus* 13, and its portrayal of Porcia's words to her husband, Julius Caesar's assassin Brutus, after stabbing herself in the thigh as evidence of her readiness to suffer physical pain in support of Brutus' political cause. Plutarch has Porcia begin this powerful and affecting speech by identifying herself as the daughter of her father, the younger Cato, who had taken his own life by stabbing himself. But Plutarch has Porcia differentiate her values from those of her father when she expresses her strong feelings for her deeply distressed husband, and notes—at 13.7—that she had been given him in marriage not merely to share his bed and home, but to be a partner in his joys and sorrows. In his life of the younger Cato, Plutarch recounts Cato's interactions with his half-sisters (including Brutus' own mother Servilia), wives, nieces, and daughters but never indicates that Cato treated his own wives as partners, or encouraged his female kin to conduct themselves in this manner.[39]

Finally, although Sulpicia's poems are not, like Cornelia's writings, or Porcia's support of her husband, directly concerned with Roman political office-holding and the welfare of the Roman state, I would still regard Sulpicia as staking out a 'political identity' according to Charles Taylor's formulation. What is more, the scenarios and sentiments of Sulpicia's elegies would become politically problematic with the passage of Augustus' moral and marriage laws soon after she seems to have published them in 19 BCE.[40] Lest we forget, human connections, however privileged by these two Roman women, particularly the valuing of lovers and slaves as significant others, could pose a threat to Roman order.

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[39] For the suicide of the younger Cato see Plut. *Cat. Min.* 70.5; for Plutarch on Cato and his womenfolk see, e.g., 7, 9, 24–25, 29.3–30, 54. At 73.4 Plutarch praises Porcia for her prudence and courage.

[40] For Augustus' moral and marriage laws see Treggiari 1991, 277–278.

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CHAPTER SIXTEEN

QUID TIBI EGO VIDEOR IN EPISTULIS? CICERO'S *VERECUNDIA*

Cynthia Damon

1. *Introduction*

Egotist that he was, Cicero might seem an unlikely subject for a chapter in a volume on valuing others. And yet friendship was the subject of one of his latest philosophical works, and was an element of human life, of his life, that retained and indeed increased its importance when everything else in his world was reorienting itself to new political and social constellations. The astronomical metaphor is Cicero's own: midway through his treatise on friendship, the *Laelius de amicitia*, written in 44 BCE, he has the title character say that 'those who remove friendship from our lives seem to be removing the sun from the sky' (*solem … e mundo tollere videntur qui amicitiam e vita tollunt*, Cic. *Amic.* 47).[1] In the present chapter the treatment is more down to earth. I ask how the self-centered Cicero managed to keep his closest friendships alive over a lifetime, through personal and familial vicissitudes and social and political upheaval; in particular, I ask how Cicero communicated to his friends the value he placed upon their friendship, and I focus on his words, not his deeds.

This is a large topic, or at least a topic for which we have a very large amount of evidence in Cicero's surviving works, so I have narrowed the focus further: I will be looking at *one* of Cicero's techniques for communicating to his closest friends how he values their regard, a technique that seems to me both particularly appealing and rather neglected in our

[1] Translations from works other than Cicero's correspondence are my own. For the letters I use Shackleton Bailey's version (hereby referred to as 'SB'), unsurpassable for insight and verve, although in one crucial spot I have given a version a little more literal than his (see n. 7 below).

overall picture of Cicero, namely, Cicero's ability to see himself through his addressees' eyes. In one of the letters we will consider below, Cicero asks his friend Paetus, 'How do I come across to you in my letters?' (*quid tibi ego videor in epistulis?*). After answering, to the best of our ability, the question he poses here, we can perhaps extrapolate something of more general significance for the theme of this volume, namely, the importance of communication in the creation of communities, small and large, by values.

There are five brief parts to this chapter in addition to the Introduction (1) and Conclusion (7). Part 2 introduces Cicero's *Laelius de amicitia*, a work addressed to Cicero's life-long friend Atticus. The next three parts consider three sets of letters from Cicero's voluminous correspondence: some of the letters to his Epicurean friend Lucius Papirius Paetus, letters in which Cicero shows himself teased and teasing (3), some contrasting letters that profess *amicitia* but do not enact it (4), and some of the many many letters to Atticus concerning the shrine that Cicero wanted to erect for his daughter Tullia, letters in which Cicero responds to his friend's candid criticism (5). The final section of the argument turns back to the *Laelius de amicitia* and to other Ciceronian dialogues for a brief discussion of *verecundia*, roughly 'respect for the feelings of others', a quality agreeably manifest in the first and third groups of letters mentioned above, but not the second.

2. *Friendship in theory: Cicero's* Laelius de amicitia

The *Laelius de amicitia* is warmly dedicated to Atticus: 'in this book I have written to a friend about friendship in a most friendly spirit' (*hoc libro ad amicum amicissimus scripsi de amicitia*, Cic. *Amic.* 5). The work's content is a fairly typical blend, for Cicero, of philosophical doctrine, including inter-school polemic, and personal judgment based on long experience of Roman politics and society. Its form is that of a dramatic dialogue: Cicero stages for Atticus a conversation reported to him by his mentor Quintus Mucius Scaevola, a conversation that involved Scaevola's father-in-law, Gaius Laelius, Scaevola himself, and his brother-in-law Fannius. The relevant dates are 44 BCE for the composition and dedication, 88 BCE for the elderly Scaevola's report to an adolescent Cicero, and 129 BCE for the dramatic date of the original conversation. At the time of the *Laelius de amicitia*'s composition, Cicero's political fortunes were at a new low: it came after the assassination of Caesar, with whom he had reached a

working accommodation, and before he threw himself into the ultimately fatal but nevertheless invigorating cause of opposing Antony. Certainties were in short supply, but in his friendships—his real friendships, not his political alliances—he found, to use his own metaphor, something as fixed and as beneficent as the sun in the sky.

The more philosophical parts of the work discuss the origin of *amicitia* in the likeness (*similitudo*) between virtuous persons, and draw an analogy between love of self and *amicitia* for one's *alter idem*, the one who is distinct from you but somehow the same, the one who is *consentiens*, that is, sympathetic, with you, who is moved by what moves you.[2] For friendships that are based on fixed qualities in perfectly virtuous individuals stability is a matter of course and there is no need to think about how to maintain the relationship. But in what Laelius calls 'ordinary friendships' (*communes amicitiae*), friendships, that is, between imperfect (but still basically virtuous) individuals in a changeable world, stability is a real issue.[3] 'Laelius' has a lot of interesting things to say about the conflict between personal and patriotric obligations—'Would you set fire to the Capitol if your friend asked you to do so?' for example (Cic. *Amic.* 36–37)—but our concern is not with these. The focus here is on friction, not fracture; on, that is, the regular state of affairs: 'Our experience of friendship', says Laelius, 'is changeable and multifarious, and there are many causes for suspicion and offense' (*est enim varius et multiplex usus amicitiae, multaeque causae suspicionum offensionumque dantur*, Cic. *Amic.* 88). His advice? 'The wise man sometimes avoids, sometimes makes light of, sometimes tolerates' these causes of friction (*tum evitare* [sc. *suspiciones offensionesque*] *tum elevare tum ferre sapientis est*, ibid.), but they cannot be reduced to nothing when human nature is such that 'friends must often be cautioned and criticized' (*et monendi amici saepe sunt et obiurgandi*, ibid.).[4] For their own good, of course (*ut et utilitas in amicitia et fides retineatur*, 'so as to preserve both the usefulness of friendship and its reliability', *ibid.*). He suggests in general terms that good intentions should make it possible for one party to criticize without causing offense and the other to hear criticism without taking offense (*haec*

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[2] Cf., e.g., Cic. *Amic.* 23 *amicum qui intuetur, tamquam exemplar aliquod intuetur sui*, 'he who looks at a friend looks at a copy, so to speak, of himself'. Also Cic. *Amic.* 65 *consentientem, id est, qui rebus eisdem moveatur*, 'like-minded, that is, who is moved by the same things'.

[3] Also called *leves amicitiae* (Cic. *Amic.* 100), an expression that is difficult to render without overdoing the negative: perhaps 'changeable friendships.'

[4] Cf. *Amic.* 91 *et monere et moneri proprium est verae amicitiae.*

accipienda amice cum benivole fiunt, 'these [*sc.* criticisms] must be received in a friendly spirit when they are generated with benevolence', *ibid.*). In what follows, however, practical advice for administering this therapeutic cocktail is remarkably slight. What we get instead is an extended 'how not to' diatribe on the problems caused by flatterers (Cic. *Amic.* 91–100). And the dialogue ends on an impossibly perfect note: 'I never offended him [meaning Aemilianus]', says Laelius, 'not even on the most trivial matters, so far as I was aware, anyway. Nor did I hear anything from him that I would have preferred not to hear' (*numquam illum ne minima quidem re offendi, quod quidem senserim; nihil audivi ex eo ipse quod nollem*, Cic. *Amic.* 103). Atticus, for all that Cicero encourages him to see himself in the Laelius of this dialogue—'reading it you will recognize yourself', he says at the end of the prologue (*quam legens te ipse cognosces*, Cic. *Amic.* 5)—could not possibly say the same about *his* friend Cicero, for he heard plenty of unpleasant things from Cicero, and told him some painful home truths in return. For practical instruction in friendship maintenance we have to turn rather to the place where we can see Cicero's *amicitia* in action, his correspondence.

3. *Friendship in practice: teasing and taking it*

Lucius Papirius Paetus was a businessman and Epicurean based in Naples. He is the addressee of twelve surviving letters, author of none. These twelve letters, dating from 50 to 43 BCE, are among the most enjoyable of the *Epistulae ad familiares*, in part because in them Cicero seems to be enjoying himself. Paetus shared Cicero's delight in matters of prose style and his taste in wit.[5] Prose style in fact provides the opening gambit of the letter from which my titular quotation was taken (Cic. *Fam.* 9.21, SB 188). The letter begins thus:

> Really? You think you are out of your mind to be imitating my 'verbal thunderbolts'? You would be if you could not make a success of it. Since in fact you actually go one better, you should make fun of me rather than yourself. So you don't need that quotation from Trabea.[6] The 'miss' was rather mine. But tell me now, how do I come across to you in my letters?[7] Don't I deal with you in colloquial style?

[5] On prose style see, e.g., Cic. *Fam.* 9.25.2, SB 114. On wit see, e.g., 9.15.2, SB 196.

[6] Trabea was a comic poet; we don't know what the quotation was.

[7] Shackleton Bailey renders this question, 'How do you find me as a letter writer?' The reference to writing smooths the way for the second question, 'Don't I deal with you in

> ain tandem? insanire tibi videris quod imitere verborum meorum, ut scribis, fulmina? tum insanires si consequi non posses; cum vero etiam vincas, me prius irrideas quam te oportet. qua re nihil tibi opus est illud a Trabea, sed potius ἀπότευγμα meum. verum tamen quid tibi ego videor in epistulis? nonne plebeio sermone agere tecum?

The underlying situation can be reconstructed approximately thus: Paetus has read something of Cicero's that can be characterized as *fulmina*, something, perhaps, that misses the mark somehow (note ἀπότευγμα). Paetus then writes something in this high style himself, only to pull back (apparently with a comic quip) and say he must be crazy to do so, given that he is from a thoroughly plebeian family. (The rest of the letter is a miniature history of the *res gestae* of plebeian and patrician Papirii.) Anyway, Cicero replies that he did indeed deserve to be teased for those *fulmina* (*me ... irrideas ... oportet*). But he also asks for reassurance that he doesn't come across so pompously in his letters: 'But tell me now, how do I come across to you in my letters? Don't I deal with you in colloquial style?' In letters, using *sermo plebeius* or, to give it the more general term he employs later, *verba cottidiana*, 'the language of everyday', is of course a matter of stylistic decorum, but the point I want to emphasize here is that the question Cicero asks is more general than that: what he cares about is how he comes across to Paetus—*quid tibi ego videor?*

He is perfectly confident about how Paetus sees him in the earliest of the surviving letters, which was written when Cicero was off governing Cilicia and needed to get a favor done back in Italy for a member of his staff, one Marcus Fabius Gallus. Here is the beginning (Cic. *Fam.* 9.25, SB 114):

> From Cicero, Imperator, to Paetus.
>
> Your letter has made a first-rate general out of me. I had no idea you were such a military expert—evidently you have thumbed the treatises of Pyrrhus and Cineas ... But why this frivolity? You don't know what sort of Commander-in-Chief you have to deal with. In my command here I have put into practice the whole 'Education of Cyrus', a work which I read so often that I wore out the book ... Now stand by for orders (or rather to

a colloquial style?', which depends on the first for its syntax (*nonne* [sc. *ego videor*] *agere tecum?*). But Cicero's first question is syntactically complete before the second begins, and I see no real necessity, or indeed warrant, for the concept 'letter writer' in it. Furthermore, as Ineke Sluiter pointed out to me at the conference, *tibi ego videor* echoes the letter's opening *tibi videris*. However one construes the phrase, Cicero's concern with Paetus' assessment of him is evident.

> obey them), to use the ancient expression. I have a great deal to do with M. Fabius, as I think you know …
>
> Cicero Imp. Paeto
>
> summum me ducem litterae tuae reddiderunt. plane nesciebam te tam peritum esse rei militaris; Pyrrhi te libros et Cineae video lectitasse … sed quid ludimus? nescis quo cum imperatore tibi negotium sit. Παιδείαν Κύρου, quam contrieram legendo, totam in hoc imperio explicavi … nunc ades ad imperandum vel ad parendum potius; sic enim antiqui loquebantur. cum M. Fabio, quod scire te arbitror, mihi summus usus est …

It looks as though Paetus had written about Cicero's military accomplishments as governor in a tone suitable for those of a *summus dux*; Cicero was in fact hoping that they would earn him a triumph. Cicero accordingly styles himself 'Imperator' in his salutation. (This is clearly a joke, since in other letters of the period he so styles himself only when writing to senators, not to Atticus or his other non-senatorial friends.)[8] It also looks as though Paetus put himself in Cicero's shoes again on this occasion, here not by writing *fulmina* but by reading up on military matters. Cicero recognizes that he is being twitted with having moved into a sphere where self-importance was an occupational hazard, and he responds agreeably with self-deprecation, tempering the 'commander-in-chief' label with an evocation of a nervous neophyte whose military knowledge comes straight from a well-thumbed textbook. He then turns their joint military joke, as well as their shared delight in style, to account by prefacing his request for a favor for Marcus Fabius with a recherché military expression—one picked up by Sallust, in fact (Sall. *Iug.* 62.8)—that Shackleton Bailey renders 'stand by for orders', *ades ad imperandum*. Cicero's message, in essence, is 'if you are going to twit me with being a *summus dux*, well, here's an order for you'. His favor-asking strategy here thus depends on his seeing and embracing the *miles gloriosus* picture that Paetus had teased him with.

He responds equally well to being called, by implication at least, a prude. The relevant letter is a wonderfully light-hearted piece from one of Cicero's most miserable periods; it is dated to sometime during Caesar's dictatorship (Cic. *Fam.* 9.22, SB 189):

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[8] E.g., P. Volumnius Eutrapelus, Cic. *Fam.* 7.32, SB 113. Before his victory at Pindenissa Cicero styled himself 'proconsul' in his more formal letters, plain 'Cicero' in the others.

> I like your modesty!—or rather your freedom of language. (4) . . . So there you have a Stoic lecture: 'The Sage will call a Spade a Spade'. What a multitude of words out of one of yours, to be sure! I like you to have no inhibitions when you are addressing me. For myself, I adhere (and shall so continue, since it is my habit) to the modesty of Plato. That is why I have written to you in guarded language on a theme which the Stoics handle with complete freedom.
>
> amo verecundiam!—vel potius libertatem loquendi.[9] (4) . . . habes scholam Stoicam: ὁ σοφὸς εὐθυρρημονήσει. quam multa ex uno verbo tuo! te adversus me omnia audere gratum est; ego servo et servabo (sic enim adsuevi) Platonis verecundiam. itaque tectis verbis ea ad te scripsi quae apertissimis agunt Stoici.

The whole thing is spun out of a single word in one of Paetus' letters, *mentula*, 'prick', which Paetus seems to have used to try to get a rise out of a down-in-the-mouth Cicero. He succeeded, too! Cicero starts off ironically: 'I like your modesty!' (*amo verecundiam!*), and then produces an off-the-cuff lecture defending the 'frank speech' that Paetus' *mentula* exemplifies, concluding, 'So there you have a Stoic lecture "The Sage will call a Spade a Spade"'. The Sage might, but Cicero won't: he gives his little lecture without ever himself using *mentula* or indeed any vulgar expression, remaining true to his habitual *tecta verba*, 'guarded language'. Paetus' 'prude' he remains, at least until near the end of the letter, when he avails himself, briefly, of two fairly mild words out of Paetus' vulgar lexicon—*crepitus*, 'fart', and *ructus*, 'belch'—a friendly concession with which to conclude (Cic. *Fam.* 9.22.4).[10]

My next, and last, Paetus example stretches over two letters, both from the summer of 46. In the first letter, Cicero is trying to show Paetus that he needn't worry about Cicero's state of mind; Paetus seems to have pictured to himself a depressed and fearful Cicero. He had therefore written to Cicero to cheer him up and to invite him to Naples for a modest dinner party, the 'modest' part being a joking admission (note the word *iocationes*) that he too was worried about the Caesarians; for Paetus it was property confiscation that loomed. Cicero responds in kind (Cic. *Fam.* 9.16, SB 190):

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9 *Verecundia* is here used in the sense of 'respect for propriety' or 'a sense of shame (in the face of what is coarse or indecent), modesty' (*OLD* s.v. 4). This is a subset of the 'respect for the feelings of others' discussed in section 6 below.

10 As Joan Booth points out to me (*per litt.*), Cicero's prudish pose may be disingenuous: 'he was by no means above a vulgar joke'. But his sincerity or lack thereof is not at issue here or elsewhere in this chapter: my point here is that Cicero adopts the role offered him by his correspondent.

> What's this about Pompilius and half-a-crown and a plate of salt fish *au gratin*? In days gone by I used to put up with that kind of thing, being an easy-going fellow, but times are changed. Hirtius and Dolabella are my pupils in oratory, but my masters in gastronomy. I expect you have heard, if all news travels to Naples, that they practise declaiming at my house, and I practise dining at theirs.
>
> quem tu mihi Pompil⟨i⟩um,[11] quem denarium narras? quam tyrotarichi patinam? facilitate mea ista ferebantur antea; nunc mutata res est: Hirtium ego et Dolabellam dicendi discipulos habeo, cenandi magistros; puto enim te audisse, si forte ad vos omnia perferuntur, illos apud me declamitare, me apud illos cenitare.

That is, Cicero, to ease Paetus' worries about him, says, in essence, 'I'm *so* not at risk, *so* not cast down by political insecurity, that I am teaching school to the Caesarians Hirtius and Dolabella and dining out with them. I've therefore grown accustomed to mighty fine dinners, and you'd better treat me accordingly.' He struts along in this vein for a good long while, until he pulls up and summarizes:

> But what am I saying? I only wish I may be able to come down! As for yourself, let me dispel your alarm; go back to your old salt fish *au gratin* . . . I was only joking.
>
> sed quid haec loquimur? liceat modo isto venire. tu vero—volo enim abstergere animi tui metum—ad tyrotarichum antiquum redi . . . superiora illa lusimus.

From a letter written shortly thereafter, we see that this letter worked, or at least that Paetus was relieved enough to tease Cicero about his new gourmandise. He seems to have called him a *scurra*, in fact, using a term often applied to comic parasites when their wit was as prominent as their appetite (Cic. *Fam*. 9.20, SB 193):

> I was doubly delighted with your letter—laughed myself, and saw that you are now capable of laughing. As a light-armed buffoon, I did not object to your pelting me with insults.
>
> dupliciter delectatus sum tuis litteris, et quod ipse risi et quod te intellexi iam posse ridere; me autem a te, ut scurram velitem, malis oneratum esse non moleste tuli.

The final phrase of the last passage quoted, *non moleste tuli*, summarizes in a nutshell my argument so far, that Cicero takes criticism, or at least teasing, from his friend Paetus very well indeed. He admits the mock-

[11] Shackleton Bailey *ad loc.* takes the text as emended to refer to the grammarian

ability of his *fulmina*, acknowledges the temptation to vanity offered by his first military command, and accepts his assignments as prude and *scurra*; indeed he takes his cues from Paetus with alacrity and exploits their possibilities with apparent delight.

A quick glance two very different letters will, I think, make it clear that the practice of showing his friends that he can look at himself through their eyes is not simply a standard feature of Cicero's epistolary technique.

4. *Friendship on the surface*

The first letter comes from 54 BCE and is addressed to Crassus, recently departed for Syria. Cicero wants to assure him of his good will and eagerness to be of assistance (Cic. *Fam.* 5.8, SB 25):

> Now the occasion has arisen which I prayed for, but scarcely hoped to see: in the full tide of your prosperity I have had the chance to show myself mindful of our mutual sentiments and loyal to our friendship. Yes, I have succeeded in making plain, not only to your entire domestic circle but to the community at large, that I am your very good friend.
>
> exstitit tempus optatum mihi magis quam speratum, ut florentissimis tuis rebus mea perspici posset et memoria nostrae voluntatis et amicitiae fides; sum enim consecutus non modo ut domus tua tota, sed ut cuncta civitas me tibi amicissimum esse cognosceret.

The emphasis in this selection and throughout the long and repetitive letter is on making *amicitia* visible through action, and visible beyond the friendship pair itself: here, 'to your entire domestic circle' and 'the community at large'. Cicero professes himself Crassus' 'very good friend', but this is *amicitia* without intimacy. He does not imagine himself into Crassus' head, as he does so often with Paetus. Indeed instead of trying to figure out what his addressee's attitude to him is, he tells him what he would like it to be: 'As for me personally, I very much hope that you will thoroughly persuade yourself that I … have always made it my aim … to be on the closest terms with you' (*de me sic existimes ac tibi persuadeas vehementer velim … me … spectasse semper ut tibi possem quam maxime esse coniunctus*). Crassus' head is, so to speak, foreign territory to Cicero,

M. Pompilius Andronicus, a Campanian local who would have been a humble dinner guest, suitable for this modest dinner party.

a metaphor suggested by the term that Cicero employs to characterize his missive: it is a *foedus*, a treaty, the sort of thing that lays out the mutual obligations of formerly hostile nations.[12]

If this letter to Crassus is impersonal and pragmatic, the one surviving letter to Antony is fraudulently cordial. In the troubled weeks after Caesar's assassination Antony requested Cicero's 'permission' (which he didn't need) for the restoration of an exile. Antony's letter, which like Cicero's response is preserved as an enclosure with a letter to Atticus, is as pragmatic as Cicero's to Crassus—he *tells* Cicero how to make his goodwill visible: 'But I must say that if you wish to take a view in accordance with humanity, wisdom, and a regard for myself, you will surely show yourself indulgent ...' (*sed mehercule si humaniter et sapienter et amabiliter in me cogitare vis, facilem profecto te praebebis* ..., Cic. *Att.* 14.13a, SB 367A). And Cicero responds with the desired indulgence and more (Cic. *Att.* 14.13b.1, SB 367B):

> For one reason and one only I would rather you had raised this matter with me in person rather than by letter. You could then have seen my affection for you not only in my words but in my eyes, written as the saying goes all over my face.
>
> quod mecum per litteras agis unam ob causam mallem coram egisses; non enim solum ex oratione, sed etiam ex vultu et oculis et fronte, ut aiunt, meum erga te amorem perspicere potuisses.

And so on. This in response to a letter that he regarded, as he tells Atticus, as written 'unscrupulously, disgracefully, and mischievously' (*dissolute* ... *turpiter* ... *perniciose*, Cic. *Att.* 14.13.6, SB 367), and by a personage that he will shortly describe—in the *Philippics*—in terms much less flattering than these. Indeed the amicable pose Cicero adopts here proved an embarrassment a few months later when Antony read bits of this letter aloud to a Senate that had just heard Cicero's first *Philippic* (Cic. *Phil.* 2.7–10).

In these two letters Cicero doesn't much care whether the recipient 'sees through' his friendly language: the accommodating surface conveyed the current status of the relationship, and the real feelings of the author, as well as those of the addressee, are irrelevant. Other letters, similarly chilly and treacherous, to other friends could be quoted, but these two suffice, I think, to show that the master of style varies the register of

[12] On Cicero's strategy in this letter see now Hall 2009, 71–76.

his friendly discourse according to the relationship in which it operates. Let us now return to the warmth of a relationship where what counts is not how the thing looks, but how it feels.

5. *Friendship in practice: being annoying and knowing it*

Petrarch's tearful reaction to the all-too-human Cicero of the then newly discovered *Letters to Atticus* is duly famous and widely shared (Cic. *Fam*. 24.3). The letters' author, he says, comes across as *inquietus*, 'upset', and *semper anxius*, 'perpetually anxious', his lapses from philosophical detachment as pitiable. Not a word survives from Atticus as to *his* reaction to the letters, more than 400 of which have come down to us from a period of more than twenty years. (The earliest letter is dated to 68, the latest to 44.) All we know is that he preserved them carefully and made them available to the biographer Nepos (Nep. *Att*. 16.2–4). Atticus' silence forces us to hear much—some would say too much—from Cicero himself. But again, as in the correspondence with the equally silent Paetus, part of what we hear, and feel, along with the anxiety and the disquiet, is how much he values Atticus' regard. The technique of looking at himself through his correspondent's eyes figures prominently here too. But whereas what he saw through Paetus' eyes was a somewhat ridiculous Cicero, someone who could be teased for his rhetorical style or his military pretension or his prudery or his gourmandise, what he sees through Atticus' eyes is rather less attractive. For to Atticus Cicero freely admits how irritating he must be.

Most irritating, perhaps, in the letters written in connection with the shrine that he wanted to erect in memory of his daughter Tullia, 'Tullia's fane', as Shackleton Bailey calls it.[13] This project elicited dozens of letters in the spring of 45, letters cajoling, letters nagging, letters 'helpful', letters pleading. Atticus disapproved of Cicero's lengthy search for a way to deify his daughter, but Cicero nevertheless asks him to 'give it an amount of thought proportionate to the affection in which you hold me' (*tantum*

[13] One could make the same point with other series of letters that tried Atticus' patience, such as the letters in 59–58 where Cicero blames everybody but himself for his exile, or the letters in early 49 where he hovers dangerously undecided between Pompey and Caesar, or the letters after Caesar's final victory where Cicero rues, at length, his loss of influence in the now-dead Republic.

quantum me amas velim cogites, Cic. *Att.* 12.18.1, SB 254).[14] So Atticus obliges, if reluctantly.[15]

Cicero admits to being abashed—if not deterred—in the face of Atticus' disapproval (Cic. *Att.* 12.43.2, SB 284): 'The very fact that I dare to confess as much to you, suspecting as I do that you don't very warmly approve of the plan, shows how my heart is set on it' (*res indicat quanto opere id cupiam, cum tibi audeam confiteri quem id non ita valde probare arbitrer*). 'Don't very warmly approve of the plan' is an understatement, as Cicero very well knows, and he shows Atticus that he is aware of the real strength of his friend's objections. He admits, for example, to having obsession with this project (Cic. *Att.* 12.25.2, SB 265): 'Believe me I have only one motive, and I know that am *entêté* over it. But indulge this aberration of mine, as you are doing' (*mihi crede, una me causa movet in qua scio me* τετυφῶσθαι. *sed, ut facis, obsequere huic errori meo*). Indeed with *error*, 'aberration', he acknowledges the basic validity of Atticus' judgment, as he does again a couple of months later when he is still pressing his friend for help (Cic. *Att.* 12.43.2, SB 284): 'But in this matter you must bear with my waywardness, or I should rather say, assist it' (*ferendus tibi in hoc meus error. ferendus? immo vero etiam adiuvandus*). A few days earlier he had tried to relieve the irritation his project had caused by offering Atticus a more satisfyingly insulting term than *error*, namely, *stultitia* (Cic. *Att.* 12.37.2, SB 276): 'I shall go to lengths which will make you angry, used though you are to bearing with my stupidity' (*etsi tu meam stultitiam consuesti ferre eo tamen progrediar ut stomachere*). Indeed in addition to *error* and *stultitia* he confesses to 'folly' (*hae meae tibi ineptiae (fateor enim) ferendae sunt*, Cic. *Att.* 12.36.1, SB 275), 'blindness' (*in hoc* τὸν τῦφόν μου πρὸς θεῶν τροποφόρησον, Cic. *Att.* 13.29.1, SB 300), 'blameworthiness' (*vitio meo*, Cic. *Att.* 12.41.2, SB 283), 'intemperance' (*intemperans sum in eius rei cupiditate*, Cic. *Att.* 13.26.1, SB 286), and a thoroughly unbusinesslike attitude to the purchase he is asking the businessman Atticus to arrange on his behalf (Cic. *Att.* 12.31.2,

[14] For 'deify' see ἀποθέωσιν at *Att.* 12.12.1, SB 259; 12.36.1, SB 275; 12.37a, SB 277. The reason for Atticus' disapproval may perhaps have been that it would, as Cicero suggests, 'gall the wound' (Cicero at *Att.* 12.18.1, SB 254 *quae res forsitan sit refricatura vulnus meum*). For another extortionate letter see *Att.* 12.37.2, SB 276, saying, in effect, 'you'll have to find me a place for the shrine it if you really care about me' (*tibi inveniendi sunt* [sc. *horti*] *si me tanti facis quanti certe facis*).

[15] He wanted Cicero to get over his loss: *Att.* 12.37a, SB 277 *me a maestitia avocas*; 12.38a, SB 279, calling for a demonstration of *firmitas animi*; 12.40.2, SB 281, where he warns Cicero that his grief is lessening his influence.

SB 272): 'both these places [i.e., two possible sites for the shrine] are to be valued in terms of my present need rather than by any ordinary reckoning' (*mihi utrivis istorum* [sc. *fundorum*] *tempore magis meo quam ratione aestimandi sunt*).[16] Even in the asking Cicero apologizes for his importunate requests (Cic. *Att.* 12.35, SB 274): 'So once again I ask you earnestly, more so than you wish or tolerate in a request from me to you, to give your whole mind to this question' (*itaque te vehementer etiam atque etiam rogo, magis quam a me vis aut pateris te rogari, ut hanc cogitationem toto pectore amplectare*).

In all of these passages Cicero communicates to Atticus what he surmises Atticus himself to be feeling: you're making a mistake here, you're an idiot, don't bother me, I'm fed up with you.[17] Manifestly miserable Cicero may be in this period, but he is also manifestly attentive to how Atticus feels. True, his focus is generally on what Atticus feels about him, but his friend must nevertheless have felt the warm embrace of *sumpatheia*.

6. *Cicero's* verecundia

Petrarch deplored the lack of firmness in the Cicero he found in the Atticus letters. In these less stoic days we are perhaps better positioned to appreciate Cicero's sensitivity to the feelings of his friends. We can also admire the care he devotes to keeping his friendships alive. What he was like in person we cannot know, but in the letters he is certainly playing his strong suit, doing things with words. The passages that we have examined

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[16] Cf. *Att.* 12.22.3, SB 261: *habe tuum negotium, nec quid res mea familiaris postulet, quam ego non curo, sed quid velim et cur velim existima* 'make it your business, and don't consider my purse, which I don't care about, but what I want and why I want it'.

[17] Occasionally he is not sure, so he resorts instead to telling Atticus what he thinks Atticus is feeling. Thus, for example, in connection with another joint undertaking during these same months, he states his own position, then suggests, more tentatively, Atticus' (*Att.* 12.28.3, SB 267) *quod videor mihi intellexisse tibi videri idem* 'I rather gathered that yours [i.e., your opinion] was the same'. Also *Att.* 12.29.2, SB 268 *idem tibi intellexi videri* 'it seems you are of the same opinion'. Very occasionally he corrects Atticus, or fights back. E.g., *Att.* 12.20.1, SB 258 *nondum videris perspicere* . . ., 'you still don't seem to appreciate . . .' Or *Att.* 12.21.5, SB 260 *ab his me remediis noli* . . . *vocare*, 'don't call me away from these remedies'. Or the quite exceptional *Att.* 12.28.2, SB 267 *quod me ad meam consuetudinem revocas* . . . *nunc plane non ego* . . . *possum, nec in ea re quid* ⟨*aliis*⟩ *videatur mihi puto curandum*, 'you tell me to go back to my old ways . . . Now I simply cannot follow that way of life, and on this matter I do not feel obliged to pay attention to other people's opinions.'

so far must be, it seems to me, one of the more agreeable manifestations of a quality that we have seen mentioned once already in the letters, namely, *verecundia*.

The passage in question comes from the Paetus letter on the use of vulgar language (Cic. *Fam*. 9.22.1, SB 189): 'I like your modesty!' (*amo verecundiam!*). Shackleton Bailey's 'modesty' is one of many possible renderings of this chameleon-like term. In using *verecundia* to open his *mentula* letter to Paetus, Cicero is being ironic, as is clear from the second clause, in which he comes clean: 'I like your modesty!—or rather your freedom of language' (*amo verecundiam!—vel potius libertatem loquendi*). One could gloss *verecundia* here, rather narrowly, as 'respect for Cicero's dislike of vulgar language', a respect that Paetus does *not* show in his deliberatively provoking letter. Cicero takes Paetus' freedom of speech in good part—*non moleste tulit*, one might say—but he does consider it a form of audacity: later in the letter he says, 'I like you to have no inhibitions when you are addressing me' (*te adversus me omnia audere gratum est*, Cic. *Fam*. 9.21.4).

The essence of *verecundia* more broadly construed, as Cicero explains in the *De officiis* (like the *Laelius de amicitia* a product of 44 BCE), is the avoidance of giving offense to one's fellow men (*iustitiae partes sunt non violare homines, verecundiae non offendere*, Cic. *Off*. 1.99).[18] Cynic philosophers were particularly inattentive to this quality (Cic. *Off*. 1.148), but Cicero elevates it into an important constituent of the fourth cardinal virtue, *decorum*, 'appropriateness' (Cic. *Off*. 1.99, cf. 1.93 for the connection with *decorum*): 'for to neglect what someone thinks of you is the mark of a man who is not only arrogant but also entirely dissolute' (*nam neglegere quid de se quisque sentiat non solum arrogantis est sed etiam omnino dissoluti*). The avoidance of giving offense has an obvious relevance for the maintenance of friendships, particularly those in which criticism is due, but it is only from the fuller definition of *verecundia* that Cicero gives in the *De republica* that one can see why I find this quality in the letters considered above: *verecundia* was given to mankind by nature 'as a kind of dread of not unjustified reproach' (*quam* [sc. *verecundiam*] *natura homini dedit quasi quendam vituperationis non iniustae timorem*,

[18] *Verecundia* overlaps in some respects with Aristotle's παρρησία, 'candor', as it pertains to personal relationships. Cf., e.g., *Eth. Nic*. 1165a29–30 with Mulhern 2004, 318–319. But not with regard to the quality foregrounded in this chapter, namely, respect for the feelings of others. Cf., e.g., *Eth. Nic*. 1124b29–31, where candor arises from disregard (διὰ τὸ καταφρονητικὸς εἶναι). On παρρησία as implying 'freedom from fear of causing offense' see Carter 2004, 201–202.

Cic. *Rep*. 3.3 Powell). That the teasing and reproaches of his friends were entirely justified Cicero acknowledges again and again. Cicero's *verecundia*, then, manifests itself in a willingness to step outside himself and ask how he comes across to others, and a further willingness to accept his friends' criticisms, which are given, as 'Laelius' recommended, *benevole*. In theory, of course—the theory of the *Laelius de amicitia* or the *De officiis*—the *timor*, 'dread', of such *vituperatio* should have kept Cicero from behaving badly in the first place, but he never claimed to be a *sapiens*. For Cicero, *communes amicitiae* were blessing enough, and the *verecundia* that helped maintain them is in my view an ornament of the sort his 'Laelius' has in mind when he avers that 'he removes the greatest ornament of friendship who removes from it *verecundia*, respect for the feelings of others' (Cic. *Amic*. 82).

7. *Conclusion*

Attentiveness to others' points of view was, to Cicero's way of thinking, a quality necessary for the successful orator. Accordingly, it features in his treatise on the orator's training (Cic. *Orat*. 1.223):

> We are after something different, Crassus, very different. We need a sharp fellow, clever both by nature and by experience, one to track down with discernment the thoughts, feelings, opinions, and expectations of his fellow citizens and others he might want to persuade of something with a speech. He needs to feel the pulse of each type of listener, each age, each rank, and he needs to taste the minds and feelings of those before whom he will conduct, or intends to conduct, any business.
>
> sed aliud quiddam, longe aliud, Crasse, quaerimus: acuto homine nobis opus est et natura usuque callido, qui sagaciter pervestiget, quid sui cives iique homines, quibus aliquid dicendo persuadere velit, cogitent, sentiant, opinentur, expectent; teneat oportet venas cuiusque generis, aetatis, ordinis, et eorum, apud quos aliquid aget aut erit acturus, mentis sensusque degustet.

Joy Connolly has recently examined the way the disposition of a man like this contributes to civil society, suggesting (2007, 272) that Cicero's 'ideal citizen' will ask himself a question reminiscent of the question Cicero himself asked his friend Paetus (due allowance being made for twenty-first century idiom): 'Does my behavior do psychic violence to my fellow citizen?' Aislinn Melchior, on the other hand, at the conference that gave rise to this volume, suggested that Cicero's consciousness of the

way he was perceived was a consequence of his status as *novus homo*, first member of his family to feel the spotlight of noble rank. Both scholars see Cicero on the *rostra*, so to speak, where he experienced both glory and (in effigy) ignominy. The full and nuanced discussion of *verecundia* (beyond the Ciceronian frame of reference) that opens Bob Kaster's recent book on emotions in ancient Rome, too, emphasizes socialization and shows how *verecundia* operates within the social hierarchy and, less frequently, horizontally.[19] The present chapter, with its focus on more intimate relationships, considers the same disposition in settings less exposed, less worry-making, and shows Cicero warming himself and, it is to be hoped, his friends in the sunshine of *amicitia*.

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[19] See Kaster 2005, 13–27 for 'Between respect and shame: *verecundia* and the art of social worry'. He concludes the chapter with a brief look at one *verecundia*-producing situation involving Cicero and Atticus (pp. 26–27).

CHAPTER SEVENTEEN

CITIZEN AS ENEMY IN SALLUST'S *BELLUM CATILINAE*

Aislinn Melchior

1. *Introduction*

> I shot him dead because?
> Because he was my foe,
> Just so: my foe of course he was;
> That's clear enough; although …
>
> Thomas Hardy, 'The man he killed',
> in *The Dynasts*.

As the late Republic succumbed to a series of civil wars, elite Romans began to evaluate each other not as fellow citizens in a political dispute, but as enemies who were to be killed with impunity. During the first century BCE, the term *hostis*, employed to connote foreign enemies, was used increasingly by Romans against Romans. In the *Bellum Catilinae*, Sallust dramatizes the shift of the term and demonstrates how viewing a citizen as a *hostis* laid the groundwork for civil war. Sallust's earliest uses of *hostis* in the *Bellum Catilinae* capture a virtuous period in Roman expansion, when the enemies were all outsiders. But the word becomes more complicated when Sallust shows it being used to designate Romans. The metaphorical associations of the term, tied to the initial struggle for Rome's survival, promote a notional state of war before combat actually takes place at the end of the work. Further, the word *hostis*, because it is tied to the pristine heroics of early Rome, calls forth inspired effort from both sets of combatants at the close of the narrative.

In Sallust's *Bellum Catilinae*, Cato makes the statement that 'we have long since lost the true names for things' (*iam pridem equidem nos vera vocabula rerum amisimus*). The Republic is *in extremis*, he claims, because (*quia*) squandering the goods of others has come to be called generosity

and audacity is named strength. Commenting on this passage, Sklenář writes (Sklenář 1998, 216):

> Underlying the Sallustian / Catonian argument … is the position that certain signifiers belong with certain signifieds, that the collapse of the Roman civic order has decoupled those signifiers not merely from the signifieds to which they used to be bound, but from those to which they ought to be bound, and to which—in a healthy *civitas* such as Rome used to be—they are bound.

I contend that the most important example of the disjunction of signifier and signified in the *Bellum Catilinae* is Sallust's use of the word enemy or *hostis*.[1] As I said, early in the work, the term is used to specify a foreign enemy.[2] Here the *metus hostilis* creates virtue in the early Republic and leads men to strive for glory, showing the appropriate application of the word (Sall. *Cat.* 6, 7, 9) (section 2 below).[3] By the end of the work, however, the word is used almost exclusively to describe Romans—whether Catiline and his followers (Sall. *Cat.* 31, 36, 44, 48, 52, 60, 61) or the Roman army that pursues him into Etruria (Sall. *Cat.* 45, 56, 57, 58, 60, 61). In Thucydides, the adulteration of language was a symptom of *stasis* (Thuc. 3.82.8). Sallust pushes this idea further, showing that such adulteration was not merely a symptom but was rather a cause of *stasis*.[4] Words, having been misused, were a catalyst of civic decline and the use of the word *hostis* in the *Bellum Catilinae* is key to understanding Sallust's critique of his society. Sallust shows that the application of the term *hostis* to a Roman citizen was in fact a *mis*application. According to Sallust, the heated rhetoric of the late Republic, by declaring the *hostis* to be within the city walls, led inevitably to the violence of civil war. Because Romans were misnamed as enemies, military virtue was likewise misapplied, paving the way for civil carnage.

There has been an increasing appreciation in the last thirty years of the role played in Roman society by political invective.[5] By 'rhetoric

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[1] Scholarly discussion of the failure of signification has so far been centered on the vocabulary of virtue and moral evaluation (e.g. Batstone 1990b; Sklenář 1998).

[2] Hellegouarc'h 1972, 188–189 notes that '*hostis* ne s'applique normalement qu'à un ennemi extérieur'.

[3] All the passages under discussion can be found on the chart at the end of this piece.

[4] I am using the term *stasis* here to designate civil war because it was Thucydides who first observed that language can become debased by civic strife. In Thucydides' famous account of Corcyra, words, rather than signifying what they previously had, became merely a means to delineate factional affiliations (see Büchner 1983, 259–260; Scanlon 1980).

[5] E.g. Koster 1980; Corbeill 1996; Arena 2007; Booth 2007; Craig 2004.

of *stasis*' I mean to indicate something a bit stronger than an attempt to denigrate a political opponent. While invective elements appear, the ultimate goal of the rhetoric of *stasis* is to shift one's opponent from the category of *inimicus* (a reconcilable political enemy)[6] to a *hostis* (an irreconcilable enemy who was severed from citizen rights). In politically charged times, there is a tendency for language to develop into a binary system for creating in-groups and out-groups. Such rhetoric attempts to turn a fellow citizen into 'the other' by casting him as an enemy. In the *Bellum Catilinae*, the rhetoric of *stasis* precedes the legal declaration of enmity (section 3).

The use of *hostis* to describe a Roman normalized the transformation of Roman into the 'other' and helped lay the groundwork for a changed perception that permitted violence. This process of reifying an enemy occurs prior to the use of force. As Lincoln (1991, 144) notes, 'it is only when human actors come to regard others as "things" that they become capable of employing force, particularly lethal force, against them.' In civil wars, when there are no obvious markers of difference such as race, country, or tribal affiliation by which to distinguish allies from opponents, an ideology of alienation must precede and permit violence. The conception of another person as a thing makes it possible to treat him or her as an obstruction that must be removed. Reifying other human beings moves them from subject to object and transforms the enemy from a human actor into that which is acted upon.[7] The Roman shorthand for this object-status was the term *hostis*.

A *hostis* is clearly recognizable when he stands in arms across from someone on the field of battle, and this is the most unexceptional use of the word. If we think of an enemy in the context of combat, the essential elements of the definition are clear. It describes a physically hostile aggressor. But the term also posits and imposes an answering position of aggression from the side viewing that aggressor and so in practice becomes reciprocal. As will be discussed in section 4, when the term *hostis* was applied to Roman citizens, it moved disputes from the

[6] See Epstein 1987 for the expectation that *inimici* could be reconciled.

[7] Bartsch 1997, 24 discusses how Lucan similarly uses language to manifest the confusion of enmity: 'This use of subject-object reversal receives such syntactical stress in Lucan because it is the perfect expression for the paradox of civil war, in which to distinguish between subject and object of any act of aggression makes little sense: on both sides the citizen.'

political to the existential in a way that other types of politically motivated condemnation did not.[8]

Because the term *hostis* is negative, it is generally imposed upon others rather than identified with one's own cause. But it also defines the one who employs it: the more objectified the *hostis*, the more celebrated the one who acts against the *hostis* (section 5). In addition, the term, when read, impels the one reading it to identify with the one employing it. The reader of history is tied to the protagonist's view of the narrative, and so, in essence, assents to the author's evaluation of hero and enemy. Although Sallust never defines the word, its use throughout the majority of the work suggests that the definition is unproblematic. However, as we will see (section 6), by later complicating the focalization of the term, he undermines the perception of certainty at the end of the work and demonstrates its inapplicability in civil war. At the very moment when the identity of the *hostis* should be most clear—as the enemies stand in arms against one another—Sallust makes it less clear, ascribing it alternately to both sides. When, as narrator, he surveys the dead on the battlefield through the eyes of the survivors, he revokes the term altogether. Sallust shows its instability in civil war and how, when politicized and used against citizens, it fomented the collapse of the Republic.

2. Virtus *and the enemy*

The *Bellum Catilinae* opens with a long preface that comprises roughly a third of the work. In it, Sallust outlines the rise of Roman power. The past glories highlight the corruption of the present. These chapters show a foreign enemy who provokes heroism and allows Romans to develop and demonstrate *virtus*. The state is bound together by the need to unite against its enemies. This fear of the enemy (*metus hostilis*) thereby benefits the state by creating concord. In the *Bellum Catilinae*, Sallust represents the source of moral decline as the twin evils of *luxuria* and *avaritia*.[9] It is in his other writings that he pinpoints the cause more specifically as the loss of *metus hostilis* due to the destruction of Carthage.[10]

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[8] *CAH* IX.496: 'It is much more tolerable to put enemies of the state to death; to declare that a citizen has become a *hostis publicus* is to assimilate him not simply to the citizen of a foreign state, like an interdicted Roman, but to a member of an actively hostile country.'

[9] For more on the dangers of *luxuria* see Levick 1982; Conley 1981; and Lintott 1972.

[10] For the discussion of the theme of *metus hostilis* see Earl 1961, 47–48; Vretska 1976 II, 203–206; and Paul's commentary on *Bellum Iugurthinum* 41.2 (Paul 1984). For the

The theme of *metus hostilis* is not heavily stressed in the *Bellum Catilinae* because, in some very real sense, the Catilinarian conspiracy embodies a new *metus hostilis*—one from within. Thus the state is unified and energized in pursuit of this new threat—or at least, the combatants are energized and unified by their opposition to each other. The conspiracy calls forth the old-fashioned values of all of the participants as they engage in a suicidal struggle that anticipates the paroxysms of the Republic that would follow Caesar's recall from Gaul.

The first uses of *hostis* in the *Bellum Catilinae* designate only foreign enemies and often pair up with positive terms of evaluation such as *virtus* or *concordia*. The repeated use of the term *hostis* in the preface delimits the pristine meaning of the word and gains authority because these chapters are identified with the narrative voice of Sallust. The very first appearance of the term shows the Romans defending themselves from enemies who, driven by envy of Roman success, attack the burgeoning Roman state (Sall. *Cat*. 6.5):

> The Romans at home and abroad were urging each other on to meet the enemy and to protect their freedom, homeland, and parents with arms.
>
> Romani domi militiaeque ... alius alium hortari hostibus obviam ire libertatem patriam parentisque armis tegere.

The citizens exhort each other to protect the young city and battle for, rather than against, their *patria*. Sallust puts forth a view of 'negative association' in which the Roman state achieves concord so rapidly in part because it is faced with aggression from outside entities.[11] Both at home and abroad, the state functions smoothly, united by the opposition to external foes (Sall. *Cat*. 7.5–6):

ambivalence underlying the *Bellum Catilinae*'s extensive imitation of Cato the Elder—who both instantiated old-fashioned morality and undermined it by insisting on the destruction of Carthage—see Levene 2000.

[11] Evrigenis 2008, 1. His work explores the formation of groups as a reactive response to negative stimuli, though group formation also requires, at its outset, a definition of the group members that contrasts to those in the out-group. We can see these corresponding impulses in Sallust with the definition of the out-group (the Catilinarians) and the appeals to the *mos maiorum* (to define the in-group). Kapust 2008, 359 likewise notes that the 'fear of a foreign enemy might facilitate the achievement of political goals, especially maintaining political unity or fostering moral energy'. The sense that an enemy leads to social unity and moral purpose rose to the level of common wisdom in the aftermath of the 9/11 attacks. For a refreshing antidote to these positive evaluations see Robin 2004, 23, who argues that political fear does not offer 'any hope of beginning, renewing, or restoring a robust Republic of energetic virtue and galvanizing purpose'.

> Therefore work was not unfamiliar to such men, nor was any place harsh or difficult, no enemy in arms terrifying; courage had conquered everything. But there was the greatest struggle between them for glory; each one hastened himself on to strike the enemy, to mount the wall, and to be seen while doing such a deed; they thought this wealth, this good repute and this great nobility.
>
> igitur talibus viris non labor insolitus, non locus ullus asper aut arduus erat, non armatus hostis formidulosus; virtus omnia domuerat. sed gloriae maxumum certamen inter ipsos erat; se quisque hostem ferire, murum ascendere, conspici dum tale facinus faceret, properabat; eas divitias, eam bonam famam magnamque nobilitatem putabant.

The positive associations of military action against external enemies continue as Roman conquest is accompanied by the display of *virtus*. *Virtus* during this period was primarily military in orientation and conception.[12] Sallust's account conforms to this as the youth struggle against each other not for wealth, but to be seen doing great things in battle.

The power of this externally focused *virtus* is made clear at the end of the passage (Sall. *Cat.* 7.7):

> I could call to mind in what places the Roman people, with a small band, routed the greatest armies of their enemies, what cities, fortified by nature, they captured by assault, if this matter did not draw me rather far from my undertaking.
>
> memorare possem quibus in locis maxumas hostium copias populus Romanus parva manu fuderit, quas urbis natura munitas pugnando ceperit, ni ea res longius nos ab inceptu traheret.

This passage will be evoked by the Sallustian narrator after the debate in the Senate (Sall. *Cat.* 53.3):

> I knew that often the Romans with a small band had contended against great legions of the enemy …
>
> sciebam saepe numero parva manu cum magnis legionibus hostium contendisse …

By recalling this earlier scene just prior to the final battle, Sallust puts the reader on notice that the themes in the preface—both Roman valor and its corruption—will be on display at the close of the work.

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[12] McDonnell (2003 and 2006) discusses the military orientation of the term *virtus* and its gradual broadening through the influence of the Greek concept of *aretê* (due in part to the influence of Cicero, who conspicuoulsy lacked military credentials).

Throughout the preface, the enemy inspires displays of courage that are beneficial to the state. This good sort of strife is at odds with the ambitious contests for honor and glory that will develop later in the Republic. Sallust makes the contrast explicit (Sall. *Cat*. 9.2):

> They practiced arguments, discord, and disputes with the enemy; citizen contended with citizen concerning virtue.
>
> iurgia discordias simultates cum hostibus exercebant, cives cum civibus de virtute certabant.

The language here suggests military training (*exercebant*), though the terms used (*iurgia*, *discordiae*, *simultates*) are descriptors of civic disputes. These earlier Romans were trained from their youth to keep discord away from the city by expressing such impulses in combat against a foreign enemy. These are the same impulses that will later bedevil the Republic.

The final use of *hostis* in the *praefatio* also highlights the enervation of the present and the severe morality of the past (Sall. *Cat*. 9.4):

> By these two arts—by boldness in war, and when peace had come, by justice—they were tending themselves and the state. Of these matters my greatest proofs are these: the fact that in war they more often punished those who had fought the enemy against orders or who, when recalled, withdrew from the battle too slowly rather than those who had dared to give ground or, defeated, abandon the standards.
>
> duabus his artibus, audacia in bello, ubi pax evenerat, aequitate seque remque publicam curabant. quarum rerum ego maxuma documenta haec habeo, quod in bello saepius vindicatum est in eos qui contra imperium in hostem pugnaverant quique tardius revocati proelio excesserant, quam qui signa relinquere aut pulsi loco cedere ausi erant.

The story evoked is that of Torquatus, who commanded that his son be executed for engaging the enemy commander contrary to orders.[13] It is a moral paradigm of old-fashioned propriety that will reappear in Cato's speech as he laments the Senate's lethargy in pursuing the conspirators. In the preface, this reference demonstrates the stern *mores* of earlier times and throws the depravity of the conspiracy into sharp relief.

13 For the use of such stories as reflecting an idealized Roman past see Shaw 2001.

3. *Citizen as enemy: the* hostis-*Erklärung*

Hostis next occurs immediately after and as a response to the first Catilinarian oration. Shortly after the passing of the *senatus consultum ultimum* (= SCU) (Sall. *Cat.* 29.3) and his arraignment under the *lex Plautia* (Sall. *Cat.* 31.4), Catiline dares to enter the Senate chamber to face down suspicion. Both Cicero and Catiline are dubiously motivated. Cicero is moved to speak by *timor* or *ira*, two emotions that are anathema to rational debate, and Catiline's motive is either to dissemble or to clear himself from blame (*dissimulandi causa aut sui expurgandi*). The latter may have hoped that his appearance in the Senate would deflect suspicion and give the impression that the struggle between himself and Cicero was the regular exchange of insults between inimical senators.

Sallust does not quote the *First Catilinarian* as it had been published (*scriptam edidit*), but in its wake, he shows Catiline calling Cicero an *inquilinus civis*—a citizen who doesn't even live in Rome (Sall. *Cat.* 31.8). *Inquilinus* seems to have the negative flavor of 'carpet bagger', and Catiline juxtaposes the insult with a mention of his own family line, demonstrating his own greater claims to patriotic belonging.[14] As he is preparing to abuse Cicero further, the Senate calls Catiline a *hostis* and a *parricida*.[15] Although the reaction is the Senate's, the context of their shout, coming as it does immediately upon the heels of the *First Catilinarian*, focuses the attention of the reader upon what is not quoted. And what is not quoted is the speech—a well-known piece of invective, poisonous with militaristic metaphors, and likely meant to induce the passing of a *hostis* decree against Catiline.[16] Nor does Sallust show the reaction of the Senate as Cicero seems to have experienced it. As Drummond comments (Drummond 1995, 17):

> It is one of the curiosities of Sallust's account that, for all his castigation of senatorial inertia and corruption, he has entirely omitted the strong vein of senatorial skepticism about Cicero's allegations which is so apparent from the *Catilinarian Orations*; in Sallust's narrative the senate has given full backing to the consul from his first recorded approach to it.

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[14] Konstan 1993, 25: 'Catiline has turned Cicero's own imagery against him. Cicero is the outsider who has moved into Rome—the *inquilinus civis urbis Romae*—while Catiline is the native of the city, who may properly identify himself with the heritage of the Republic. Each is struggling to occupy the moral center of Rome.'

[15] *Parricida*, although literally a parricide, extends metaphorically to embrace those who would attack their own *patria*.

[16] Primmer 1977 argues that such a decree may have been Cicero's primary goal, unfulfilled due to the resistance of the Senate.

Cicero, according to Sallust, appears more effective than he was when described by himself.[17] Because Cicero's speech is elided, the excoriation of Catiline as *hostis* by his fellow senators is given prominence.

The term would have had peculiar resonance for Sallust's readers when applied to Catiline because he had served in so many of Cicero's writings as his *bête noire*. But the force of the term *hostis* uttered so close on the heels of an SCU and in the context of this period should be recognized. The Senate's response is not merely insulting, it is threatening. By the time of the Catilinarian conspiracy, the Romans had already legally codified the transformation of a political enemy (an *inimicus* or un-friend) into a foreign enemy (*hostis*).[18] The first use of the so-called *hostis* decree was in 88 BCE during the unrest between Sulla and Marius.[19] Reconstructions of the history of the decree are the subject of debate.[20] Sulla likely created the *hostis* decree to protect his own actions from any negative repercussions that might have arisen after the fact and employed the *hostis* decree to provide *post hoc* sanction (both justification and approval) for his purges.[21] Although the Romans dispensed with the dictatorship after Sulla, finding it an unsavory reminder of his king-like powers, they found the *hostis* decree useful and retained it, passing it later against Caesar and Antony among others.

There remains dispute as to the actual purview of the SCU as opposed to the *hostis*-Erklärung, but it appears that the *hostis* decree named names.[22] In the case of civil unrest, the Senate would first pass the SCU to alert the magistrates and empower them to raise additional troops (a *tumultus*). Then, if the disturbances continued, the problematic citizens could be specified by a *hostis* decree. As Lintott notes (Lintott 1999, 156),

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17 If Cicero's motive in giving the speech was the declaration of Catiline as an enemy of the state, then the Senate's vocalization in Sallust's version verges closer on success.

18 For the political use of the two terms see Hellegouarc'h 1977, 128, 186, 188–189.

19 See Lintott 1999, 155; Bauman 1973, 270.

20 On the debate over the legal purview of the SCU and the *hostis* decree see Bauman 1973; Lintott 1999; Ungern-Sternberg von Pürkel 1970; and Drummond 1995.

21 Bauman 1973 provides a convincing discussion.

22 Some scholars believe that the SCU provided names (e.g. Wirsubski 1950) but I believe (following Plaumann 1913) that the wording of the SCU was less specific and contained similar wording to that which survives in Sallust (Sall. *Cat.* 29.2): 'that the consuls see to it that no harm befell the state' (*darent operam consules ne quid res publica detrimenti caperet*). The fact that the ultimate decree was first passed in 121 BCE and the first recorded use of the *hostis* decree was in 88 BCE suggests that there must have been some addition to the parameters of the SCU. On the legal issues that constrained the actions that a consul might take under the SCU see Lintott 1999 and Drummond 1995.

> the status of citizens who had taken up arms against the state was ambiguous except on the battlefield; otherwise the declaration [of a *hostis* decree] was superfluous.

The *hostis* decree served as a method to impose clarity, both moral and legal, on the chaos of internal state violence. This was usually done in response to an insurrection, but since all of these legal maneuvers took place during civil disturbances, it is wise to remember that a *hostis* truly is in the eye of the beholder.

While those are the pragmatic and legal considerations, the *hostis* decree is far more interesting in terms of its theoretical substance. The *hostis* decree takes a regular citizen who is deemed a threat, and it redefines him by fiat to be a foreign enemy.[23] Such a redefinition carries with it legal implications similar to proscription. To become a *hostis* was to be stripped of the legal protections that belonged to a Roman citizen. As Cicero says in the *Fourth Catilinarian*, 'Whoever is an enemy of the state can be a citizen in no way' (*qui autem rei publicae sit hostis eum civem esse nullo modo posse*, Cic. *Cat*. 4.10).

Catiline's response to the Senate's shout of *hostis* shows that he is fully aware of the gravity of what has happened: 'Since I am driven headlong and surrounded (*circumventus*) by my enemies (*inimicis*), I will extinguish my flames with ruin.'[24] He is referring here to the practice of putting out fires by tearing down buildings. He chooses the term *inimici* rather than *hostes* for his enemies. His claim that he is hounded by his *inimici* maintains his claim to citizenship and frames the disagreement in political terms. As Jal has noted, those deemed rebels are the ones most likely to cling to this ameliorating vocabulary.[25] Catiline's intention may have been to minimize the seriousness of the situation and make it appear that the scene in the Senate was merely an exchange of insults—common enough—between himself and Cicero.

In this he failed, but the cry of the Senate, that he is a *hostis*, shifts quickly from describing to proscribing. Although we do not know what drove Catiline to leave Rome and to take up arms—whether he had

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[23] See Jal 1963, who offers an excellent discussion of *hostis* as a political term and notes that one should be wary of reading the term as politically charged in all instances (Jal 1963, 55): 'Enfin, le mot "hostis" n'est parfois qu'une simple injure accolée à d'autres et est alors dépourvu de toute signification politique ou juridique.' The examples he cites include Sall. *Cat*. 31.8.

[24] Sall. *Cat*. 31.9 *quoniam quidem circumventus ab inimicis praeceps agor, incendium meum ruina restinguam*.

[25] Jal 1963, 63.

planned it beforehand, whether his flight was initiated by the *First Catilinarian*[26] or by the implied threat in the outburst of the senators—after he departed from Rome, the Senate passed the *hostis* decree against him and his co-conspirator Manlius (Sall. *Cat.* 36.2). It is useful to remember, however, that legal definitions are slippery things, especially when the Senate and the courts are as highly politicized as they were at that time. In some important ways, to declare Catiline a *hostis* was merely a more emphatic sort of rhetoric than that which made up the invective of the *First Catilinarian* or the Senate's insults.[27] In the *Bellum Catilinae*, the Senate's shout is the first use of *hostis* against a Roman. It is followed by the legitimation of that enmity with the *hostis* decree, and thereafter, with very few exceptions, every use of *hostis* will reference Romans—whether Catiline and his band, or the Romans who hunt him.

4. *The perils of metaphor*

Hostis was, for the Romans, a loaded term. Human beings tend to think in clusters of associations,[28] and all of the associations that a Roman would have had with *hostis* would have urged violence against the one so labeled. Such a label also raises the stakes for those so decreed. The word was used along with aggressive rhetoric to alienate a target, and once transmuted by the alchemy of law, it became a weapon. Whatever a man was before such a decree, he afterwards was an outlaw and only through victory could retrieve his citizenship. After Catiline and his fellow conspirator Manlius are named in the *hostis* decree, Lentulus writes to Catiline from Rome (Sall. *Cat.* 44.5–6):

> 'Make sure that you recognize what great danger you are in, and remember that you are a man. You should consider what your plans require. You should seek aid from all, even the lowest.' To this he added instructions in words: since he had been decreed an enemy by the Senate, why was he refusing to use slaves [in his army]?

[26] Waters 1970 suggests that Catiline's flight was unplanned and that his departure was precipitated by Cicero's speech. Seager 1973 is sympathetic to some of Waters' points but offers a more nuanced reading.

[27] There are various evaluations as to how seriously invective was taken at Rome. See, e.g., Riggsby 1997, who views invective exchanges as a way of jockeying for status, as opposed to Corbeill 1996, who highlights the positive aspects of invective and how it served to reinforce appropriate behavior.

[28] See Lakoff 1987.

> 'fac cogites in quanta calamitate sis, et memineris te virum esse. consideres quid tuae rationes postulent. auxilium petas ab omnibus, etiam infimis.' ad hoc mandata verbis dat: cum ab senatu hostis iudicatus sit, quo consilio servitia repudiet?

Lentulus urges Catiline to enlist fugitive slaves since his situation is already desperate. Volturcius, the bearer of this letter, is arrested as he is preparing to leave Rome and gives himself over to the arresting praetors as if to enemies (*velut hostibus*, Sall. *Cat.* 45.4). Lucius Tarquinius, also seized as he was setting out to join Catiline's forces, agrees to tell of the conspiracy if granted a pardon. When ordered by the consul to speak, he gives a similar account to that of Volturcius (Sall. *Cat.* 47.4):

> He informs the Senate of the fires that were prepared, the [planned] slaughter of good men, [and] the march of the enemy.
>
> de paratis incendiis, de caede bonorum, de itinere hostium senatum docet.

When he goes on to implicate Crassus, his testimony is declared false. We can see here, however, that there is already a sense of collusion or witness tampering in the very way that Tarquinius uses the word *hostis*. When used by Lentulus, it referred to the decree against Catiline. When used during the arrest of Volturcius, it was softened by the use of *velut* but still revealed Volturcius' identification with Catiline's cause: he sees the Romans apprehending him as resembling enemies. But here, rather than identifying the enemy from his point of view *qua* conspirator, Tarquinius speaks from the point of view of the Senate when talking about the 'enemy'. This is a foretaste of what Sallust will do with the term during the climactic battle.

The next cluster of the word *hostis* is found during the debate in the Senate on the fate of the conspirators who were under arrest. There is greater nuance here because the applicability of the term to those within the city has not been validated by decree. Caesar only refers to *hostes* once. When speaking of the *maiores*, Caesar notes that the early Romans had adopted weapons from the Samnites and magisterial insignia from the Etruscans (Sall. *Cat.* 51.38):

> Finally, that which anywhere seemed suitable among allies or enemies they pursued at home with the greatest zeal; they preferred to imitate rather than to envy good things.
>
> postremo quod ubique apud socios aut hostis idoneum videbatur, cum summo studio domi exsequebantur; imitari quam invidere bonis malebant.

This argument continues as he notes why it became necessary to modify the harsh penalties administered in the early Republic (Sall. *Cat.* 51.39–40):

> But at that same time, imitating Greek custom, they punished citizens with scourges and put the condemned to death. After the Republic had matured and factions flourished due to the number of citizens, and those who were innocent began to be ensnared and other things of that sort began to happen, they then produced the *lex Porcia* and other laws by means of which exile was permitted to the condemned.
>
> sed eodem illo tempore, Graeciae morem imitati, verberibus animadvortebant in civis, de condemnatis summum supplicium sumebant. postquam res publica adolevit et multitudine civium factiones valuere, circumveniri innocentes, alia huiusmodi fieri coepere, tum lex Porcia aliaeque leges paratae sunt, quibus legibus exsilium damnatis permissum est.

Caesar argues against the execution of the conspirators, implying strongly that those captured in the city are victims of factional strife. Because he also argues for the relevance of citizen rights, he likewise implies that they do not conform to the definition of *hostes*.

The fourth Catilinarian oration which in reality followed Caesar's speech is omitted by Sallust but, in terms of its rhetoric, is ably represented by the discussion of the conspirators in Cato's speech. Cato's argument for pre-emptive action works by aligning the nefarious plot of wicked citizens (*nefario consilio sceleratorum civium*) with those already declared *hostes*.[29] Cato first appeals to the self-interest of his audience (Sall. *Cat.* 52.10):

> Now indeed it is not under debate whether we live with good or bad morals, nor how large or magnificent the power of the Roman people is, but whether these things, of whatever sort they seem, will be ours, or belong along with ourselves to the enemy.
>
> nunc vero non id agitur, bonisne an malis moribus vivamus, neque quantum aut quam magnificum imperium populi Romani sit, sed haec, cuiusque modi videntur, nostra an nobiscum una hostium futura sint.

Cato uses the fear of an external enemy to unite the senators and draw them together against the conspirators. His argument is essentially that the senators stand to lose both wealth and power. This appeal uses the

[29] Drummond 1995, 100 notes with respect to Cicero that his 'treatment of the conspirators and of others to whom the term *hostis* is applied betrays the essentially ambiguous (and rhetorical) nature of such appellations'.

conspirators as a stimulus—a *metus hostilis* from within—to coalesce the support of the Senate, gathering them together against Cato's chosen targets. Cato both castigates the senators for their materialism and exploits it.

Throughout his speech, Cato blurs the line between Catiline's army and those apprehended within the city. Much like Cicero had done, Cato does not argue his categories so much as asserts and reinforces them by using the emotionally resonant language of enmity.[30] In his accounting, those in Rome are caught between the two forces, one within and one without (Sall. *Cat.* 52.24):

> The leader of the enemy with his army is over our head. Do you hesitate even now and do you doubt what to do with the enemy apprehended within the city walls?
>
> dux hostium cum exercitu supra caput est. vos cunctamini etiam nunc et dubitatis quid intra moenia deprensis hostibus faciatis?

Cato emphasizes the threat of the enemy within. Because the enemies have already breached the city walls, when they are finally recognized as *hostes*, it will be too late (Sall. *Cat.* 52.35):

> But we are surrounded on all sides. Catiline with his army presses our throats; other enemies are within the walls and in the bosom of the city …
>
> sed undique circumventi sumus. Catilina cum exercitu faucibus urget; alii intra moenia atque in sinu urbis sunt hostes …

Note that he too uses the word *circumventus* just as Catiline had done when leaving the Senate. In Catiline's rhetoric, the word suggests his place at the center, beset by jealous senators, such as the *inquilinus* Cicero, who wish to expel him. In Cato's rhetoric, it conjures the notion of a city besieged by its enemies—a second sack of Rome—playing upon the fears raised by the intercepted letter that invited the Gauls to join the conspiracy. The whole passage prepares us for the climax of the work when the metaphors that had been deployed in the political maneuvering are realized in such a way that they permit and then promote civil war.

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[30] Konstan 1993, 26: 'it is the nature of persuasion to assume what is to be proved. More precisely, persuasion is effective to the degree that it projects the prior validity of the categories whose relevance and meaning are what is to be demonstrated.'

Cato only once evokes a foreign enemy. He argues that the Senate's hesitancy is a retreat from the strict justice of the past (Sall. *Cat.* 52.30):

> Among our ancestors, at the time of the Gallic war, Aulus Manlius Torquatus ordered that his son be killed because he had fought against the enemy contrary to orders, and that outstanding young man paid the penalty of his excessive courage by means of his death.
>
> apud maiores nostros A. Manlius Torquatus bello Gallico filium suum, quod is contra imperium in hostem pugnaverat, necari iussit, atque ille egregius adulescens immoderatae fortitudinis morte poenas dedit.

If Torquatus had been willing to kill his citizen son for simple disobedience, then it follows that it would be madness not to kill those who had threatened to attack the state.[31] Cato presents the Senate in the guise of a stern parent who must punish its children—the citizens who have behaved wickedly.[32] According to Cato, with his side resides morality, with Catiline's, depravity, and Catiline and his followers will not learn unless they are punished. Not only does he touch upon deep chords of conservatism in his call for justice, but his story, by being set during the war with the Gauls, reinforces the anxiety provoked by the letter to the Allobroges. Furthermore, by choosing a story about war, Cato implies that a state of war maps comfortably onto the situation with the conspirators. Rhetoric presents its points by elegantly expressing ideas in cohesive metaphorical structures that employ associated words and concepts. Because Cato drapes them in enemy garb, he has framed the argument in such a way that there can be no other decision than death for the conspirators. These military metaphors deployed against citizens pave the way for civil slaughter.

5. *Misdirected valor: through the eyes of heroes*

It is after the debate in the Senate that Catiline begins to act less like a villain, and more like a hero, as he approaches his impressive death.[33] Accompanying his transformation is a shift in focalization from the

[31] This echoes a notion expressed by Cicero in the *First Catilinarian*: *fuit, fuit ista quondam in hac re publica virtus ut viri fortes acrioribus suppliciis civem perniciosum quam acerbissimum hostem coercerent* (Cic. *Cat.* 1.3).

[32] This is a metaphor that in the present day serves as the substructure of conservative identity and ideology (see Lakoff 1996, 163).

[33] See Ash 2002.

narrator 'Sallust' and the viewpoint of the senators to that of Catiline himself. I would suggest that just as Cato appears to identify with the stern moral values of Torquatus, killer of his own erring son, Catiline identifies with the myths of the plucky Roman outcasts who defeated their enemies by means of their greater *virtus*. Sallust had closed the debate in the Senate with a *synkrisis* of the qualities of Caesar and Cato, and he follows that with a nostalgic look back to Rome's glories that refers to the discussion in the preface: *sciebam saepe numero parva manu cum magnis legionibus hostium contendisse* ... (Sall. *Cat.* 53.3: see above, p. 396). 'Legion' here simply describes organization, but it is still with something of a start that we find at the end of the work the small band fighting against legions to be Catiline and not those who pursue him. The referent has switched and the small band is no longer made up of the noble Roman *maiores*, but of the ruffian Catiline and his followers. It is Catiline who imagines himself to be the true Roman and looks upon those who pursue him as *hostes*.

Catiline, at a disadvantage both in terms of manpower and weaponry, refuses to give his enemy the opportunity to fight him (*hostibus occasionem pugnandi non dare*, Sall. *Cat.* 56.4). As his hopes for reinforcements from the city collapse, the narrative presents the dramatic moment when he decides to join battle, again focalizing the enemy through Catiline's eyes (Sall. *Cat.* 57.5):

> But Catiline, after he sees that he is blocked by the mountains and the troops of the enemy, that the plot had gone awry in the city, and that there was no hope of escape or of protection, judging it the best thing to do in such a situation to try the fortune of war, decided to engage Antonius as soon as possible.
>
> sed Catilina, postquam videt montibus atque copiis hostium sese clausum, in urbe res advorsas, neque fugae neque praesidi ullam spem, optumum factu ratus in tali re fortunam belli temptare statuit cum Antonio quam primum confligere.

As Catiline seeks refuge, we have his view expressed plainly, without the binary choices that mark so many of the explanations of Catiline's motives earlier in the work. With the word *hostium*, we gaze with Catiline at his opponents. We thus approach the crisis of the final battle looking through the eyes of the outlaw rather than through those of the senators or the narrator. It is not until the battle itself that we will be called upon to see differently.

Catiline thereupon delivers a battle exhortation. He first outlines the desperation of their situation (Sall. *Cat.* 58.6):

> Two enemy armies block our path, one from Rome, the other from Gaul.
>
> exercitus hostium duo, unus ab urbe alter a Gallia obstant.

According to Catiline, they are not fighting for power, but for country, liberty, and life (*nos pro patria, pro libertate, pro vita certamus*). This speech presents many of the expected *topoi* of exhortation. Nevertheless, because it is delivered by one who has been represented throughout the work as ruinously depraved, it seems somehow wrong to hear Catiline saying all of these typically Roman things.[34] The reader has already been urged to look from Catiline's eyes at the pursuing army, and now hears his exhortation to his men.

Catiline urges his men to remember their earlier courage (*memores pristinae virtutis*) and offers a truism about battle (Sall. *Cat.* 58.15–18):

> No one except the victor has exchanged war for peace. For to hope for safety in flight, when you have turned the weapons by which the body is protected away from the enemy, this truly is madness. Always in battle those who fear most are in the greatest danger, boldness is like a wall.
>
> nemo nisi victor pace bellum mutavit. nam in fuga salutem sperare, cum arma, quibus corpus tegitur, ab hostibus avorteris, ea vero dementia est. semper in proelio eis maxumum est periculum qui maxume timent, audacia pro muro.

He works to convince them of the importance and necessity of fighting and closes by praising their courage, noting that the qualities of his men encourage him to hope for victory. Because they are trapped in a narrow pass, the numerical superiority of the Roman army will not be able to be used by the enemy to any great effect (*nam multitudo hostium ne circumvenire queat* …).

His exhortation ends with an evocation of the opening of the work (Sall. *Cat.* 58.21):

> For if fortune begrudges your courage, take care that you do not lose your life unavenged, nor, captured, be slaughtered like sheep. Rather, fighting in the manner of men, leave a bloody and sorrowful victory to your enemy.
>
> quod si virtuti vostrae fortuna inviderit, cavete inulti animam amittatis, neu capti potius sicuti pecora trucidemini quam virorum more pugnantes cruentam atque luctuosam victoriam hostibus relinquatis.

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[34] The reader may experience a sense of disjunction when a wicked speaker utters such typically noble sentiments. By way of contrast, the speech of Critognatus, in Caesar's *Bellum Gallicum* 7, presents an enemy's speech that inverts Roman morality by recommending cannibalism.

The juxtaposition of man and animal (*pecora*) recalls the opening chapter of the work. To submit to their fellow citizens is to act like domestic beasts. To fight is to be men. It turns out to be Catiline's violence that makes him noteworthy, that raises him above surrender to his belly and creates the circumstances that prevent his life from being passed over in silence. His *virtus* in war, however misdirected it is, makes him the subject of history but it is a dark history that commemorates not names and great deeds, but misnaming and misdeeds.[35] As Florus notes, Catiline died 'the most beautiful death, if he had died in such a way for his country'.[36]

6. *The final battle . . . and conclusions*

It is not unusual for an author to assume the role of an omniscient narrator in order to create a backdrop for the final crisis of a battle. Caesar does this, for example, in his account of the siege of Alesia (Caes. *B. Gall.* 7.85):

> It occurred to each side that this was the time at which it was fitting to fight most fiercely: the Gauls despaired of all safety unless they could break through the siege-works; the Romans hoped for an end of all their labors if they held out.
>
> utrisque ad animum occurrit unum esse illud tempus, quo maxime contendi conveniat: Galli, nisi perfregerint munitiones, de omni salute desperant; Romani, si rem obtinuerint, finem laborum omnium exspectant.

Caesar enters into the thoughts of the two armies to tell what the combatants are feeling about the impending struggle. The sentiments are conventional and this is a basic example of describing the emotions, first of one side, then of the other, to show what is at stake and to prepare for climactic action.

For the battle of Faesulae, however, Sallust engages in 'deviant' focalization. Focalization is 'deviant' in instances 'where in normal language we should expect focalizer and narrator to coincide but they do not'.[37] Roman accounts of battle, although offering occasional glimpses into the expectations of an enemy army or their morale, tend to be narrated primarily from the viewpoint of the Romans. Caesar, for example, invari-

[35] This may be one reason for Sallust's preference for the ambiguous term *facinora*.
[36] Florus 12.12: *pulcherrima morte, si pro patria sic concidisset*.
[37] Fowler 2000, 42.

ably signifies his own forces with the terms *Romani* or *nostri*, and his opponents as *Galli* or *hostes*. Thucydides in his description of *stasis* in Corcyra limits himself to the Greek *enantioi* and *ekhthroi*, which map roughly onto the Roman terms *adversarii* and *inimici*. He does not reach for the Greek *polemioi*, which would more closely mirror the Roman term *hostes*. Sallust, on the other hand, rather than retaining a fixed identity for the *hostes* in the battle of Faesulae, shifts the focalization between the opposing forces, terming first one side, then the other, as *hostes*. Although he does something similar to this with his treatment of the battle of the Muthul River in the *Bellum Iugurthinum*, the effect there is meant to express the chaos of battle and the technique is less insistently deployed.[38]

I have marked the different referents with C for Catiline and his band of followers and R for the Roman army (Sall. *Cat.* 60):

> But when everything had been investigated, Petreius gave the signal with the trumpet and ordered the cohorts to advance a little. The army of the enemies (C) did likewise. Afterwards, they reached the place where the battle could be joined by the light-armed troops and they ran together with hostile standards with the greatest shout; they did not hurl their spears but fought with swords. The veterans, mindful of their former virtue, closed keenly hand-to-hand, and the others, without fear, resisted; they fought with the greatest violence. Meanwhile, Catiline with his lightly equipped troops engaged in the front ranks, aided those struggling, summoned those without wounds to replace his wounded men, foresaw everything, fought much himself, and wounded the enemy (R) often; he fulfilled at the same time the duties of a strong soldier and of a good general. Petreius, when he saw that Catiline, contrary to his expectation, was striving with the greatest energy, led his praetorian cohort into the middle of the enemy (C) and killed those thrown into confusion and others resisting here and there. Then he attacked the rest from the flanks on either side. Manlius and the Faesulian fell fighting in the front lines. Catiline, after he saw that his troops had been routed and he was left with a few men, mindful of his stock and his former dignity ran into the densest enemy (R) and fighting there was pierced through and through.
>
> sed ubi omnibus rebus exploratis, Petreius tuba signum dat, cohortis paulatim incedere iubet. idem facit hostium (C) exercitus. postquam eo ventum est unde a ferentariis proelium committi posset, maxumo clamore cum infestis signis concurrunt; pila omittunt, gladiis res geritur. vet-

[38] Sallust switches referents only three times (Sall. *Iug.* 50) and then notes the following: 'arms, spears, horses, men, enemies, and citizens mixed: nothing was done by counsel or command and fortune ruled everything' (*arma tela equi viri hostes atque cives permixti, nihil consilio neque imperio agi, fors omnia regere*, Sall. *Iug.* 51).

> erani pristinae virtutis memores comminus acriter instare, illi haud timidi resistunt; maxuma vi certatur. interea Catilina cum expeditis in prima acie vorsari, laborantibus succurrere, integros pro sauciis arcessere, omnia providere, multum ipse pugnare, saepe hostem (R) ferire; strenui militis et boni imperatoris officia simul exsequebatur. Petreius, ubi videt Catlinam, contra ac ratus erat, magna vi tendere, cohortem praetoriam in medios hostis (C) inducit eosque perturbatos atque alios alibi resistentis interficit. deinde utrimque ex lateribus ceteros aggreditur. Manlius et Faesulanus in primis pugnantes cadunt. Catilina postquam fusas copias seque cum paucis relictum videt, memor generis atque pristinae suae dignitatis in confertissumos hostis (R) incurrit ibique pugnans confoditur.

In the space of a few lines, Sallust switches the referent from the conspirators to the Romans and back again four times. The reader switches between the hostile gazes of the opposing forces. These juxtapositions contribute to the reader's sense of the term *hostis* as reciprocal but also show it to be unstable. We, as readers, are forced to view the combat through the eyes of Catiline and Petreius by turns, so that our view that one side is good and the other is bad is revealed to be subjective. Sallust's use of *hostis* demonstrates that in the context of civil war, the category of *hostis* is not fixed.

That this is the correct interpretation is reinforced by noting the interpenetrating identities of the two forces. Each side looks to earlier (*pristinus*) morality, evoking the lost morality of the early Republic. The appearance of the adjective *pristinus* 'not once but three times near the end of the *Bellum Catilinae*' is 'truly exceptional'.[39] In his battle exhortation to his men, Catiline reminds them to be mindful of their former virtue (*memores pristinae virtutis*, Sall. *Cat*. 58.12). Yet in the battle, it is not Catiline's men who are described this way but those fighting under Petreius (*pristinae virtutis memores*, *Cat*. 60.3). The quality of *pristina virtus*, called for by Catiline, has been degraded because it has been misdirected against fellow citizens, but by placing such thoughts in the minds of the Roman soldiers, Sallust shows that both sides transgress. Then Catiline falls, remembering his own former honor (*memor pristinae dignitatis*, Sall. *Cat*. 60.7).

The heroic deaths of Catiline and his men are unsettling and unexpected, but they reveal the struggle to claim the moral high ground of Roman identity that is the ideological topography of the civil wars in the late Republic. Both sides look back to earlier *mores* and identify

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[39] Boyd 1987, 196.

themselves as the true Romans and their opponents as *hostes*, and both fight the more fiercely from this conviction.

After the battle, the narrator views the field and we return to the narrative voice that described the valor of the early Romans. The term *hostis* is once again focalized through Catiline—as he takes his final breath (Sall. *Cat*. 61.4–6):

> Catiline was found far from his own men among the corpses of the enemy, still breathing a little and retaining on his face that ferocity of spirit which he had when living. Finally, from the entire army, no freeborn citizen was captured during the battle or in flight; thus all had spared their own lives no more than those of the enemy.
>
> Catilina vero longe a suis inter hostium cadavera repertus est, paululum etiam spirans ferociamque animi, quam habuerat vivos, in voltu retinens. postremo ex omni copia neque in proelio neque in fuga quisquam civis ingenuus captus est; ita cuncti suae hostiumque vitae iuxta pepercerant.

Catiline lies amidst the enemies he has slain and none in his army who were freeborn citizens were taken alive. In noting this, Sallust now describes those who had been seen as *hostes* by their Roman adversaries during the battle as *cives*. Catiline's men die valorously and the bodies of conspirators and of Roman soldiers lie intermingled, a fact that is mirrored by the Latin: *ita cuncti suae hostiumque vitae iuxta pepecerant. Cuncti* makes emphatic the sense of a collective identity, but now, instead of the identity that they had shared as citizens or as enemies, they share one as corpses. The final irony is that they all have spared each other not by sparing each other, but by insisting upon fighting to the death.

In the preface, *hostis* specified a foreign enemy. There *metus hostilis* generated virtue in the early Republic and led men to strive for glory, showing the appropriate application of the word. By the end of the work, however, *hostis*/*hostes* describes Romans, embracing both Catiline with his followers and the Roman army that pursues them. The conceptualization of Romans as enemies fomented the civil wars that would soon follow, first, by objectifying a class of citizen enemies, and second, by permitting the valorization of those who undertook the extermination of their fellow citizens—whether Catiline, or Cato, or Cicero. Arena notes how, in the *Pro Milone*, Cicero redefines 'the killing of a Roman citizen as a lawful, and above all, heroic act beneficial to the republic. Such a rhetorical redefinition attempts to legitimize this behavior and, as a result, if successful, might also modify Roman moral perceptions.'[40] Sallust shows

[40] Arena 2007, 159.

the degenerative influence of such irresponsible rhetoric and expresses the problem with this conceptual 'othering' at the close of the *Bellum Catilinae* (Sall. *Cat.* 61.8–9):

> There were many moreover who had gone forth from the camp to see or to plunder: some rolling over enemy cadavers found a friend, part were finding a guest-friend or a relative; there were likewise those who were recognizing their personal enemies. Thus variously throughout the entire army, happiness, sadness, grief, and joy were roused.
>
> multi autem qui e castris visundi aut spoliandi gratia processerant, volventes hostilia cadavera amicum alii pars hospitem aut cognatum reperiebant; fuere item qui inimicos suos cognoscerent. ita varie per omnem exercitum laetitia maeror, luctus atque gaudia agitabantur.

The work ends with the stark pairing of incompatible concepts: *laetitia*, *maeror*, *luctus*, *gaudia*. We might, then, expect a similar contrast between *cives* and *hostes*. Instead, all the survivors who visit the battlefield roll over the corpses (*hostilia cadavera*). The dead are then identified into broad classes: *amici*, *hospites*, *cognati*, and *inimici*. Upon closer inspection, then, the category into which all the bodies had been grouped—*hostilia*—evaporates and we are left with three positive terms (*amici*, *hospites*, *cognati*) and one negative term (*inimici*).

The corpses are enemies when they are seen lying dead: *hostilia*. But as the living roll over the bodies and recognize the faces, they find not enemies, but friends, guest-friends, relatives. There were some (*fuere*) who found *inimici*. Piled together are all of the concepts that go together to make a civil war: the bulk of the loss is made up of those one knows, those one lives with, those who make up the network of relationships within one's society, including *inimici*, one of them Catiline, who had precipitated the bloodshed in his rivalry for the consulship. What had been a political dispute ends in bodies—bodies created by a vocabulary of enmity that evaluated fellow citizens in such a way as to promote violence. This perceived enmity first made battle against fellow citizens possible and then, when hardened by decree, inevitable.[41] It is only after the battle that the dead are identified. The rolling of the corpses shows that the combatants are not *hostes*, but *cives*. The reader's moment of recognition is mirrored by the actors within the text who physically turn the faces of the dead and recognize their fellow citizens.

[41] For a different take on the final scene that sees the battle as a continuation of political hostilities see Batstone 1990a, 131–132.

Whomever we blame for the movement from civic dispute to civil war, the hostility is reciprocal and toxic. At the end of the work, as the focalization is more interwoven and the bodies lie entangled, all that had been certain when our gaze coincided with that of the Senate and the narrator becomes less clear. The senatorial view is first alternated with that of their quarry. After the battle, the narrator then mantles the dead *hostes* with terms appropriate to citizens. The loss is not only of the dead, and the tale is not only of a conspiracy. Rather, Sallust shows us the disintegration of the bonds that hold citizens together. The same ideology of *metus hostilis* and *virtus* that had built the Roman Republic led to its downfall. The idea of the *hostis* as threat originally created Roman unity and promoted violence as a way to display valor. When expressed within the state, however, such notions were destructive because they served to misdirect valor against Roman society and created lethal reciprocity between members of the elite and those they led. As Sallust shows, the very concepts that informed Rome's understanding of her previous concord would, when the *hostis* became Roman, destroy the Republic.

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Table 1. *Hostis/hostes* and its occurrence in the *Bellum Catilinae*

CITE	General context	Referent	Focalizer/ speaker	Compressed quote
6.5	1–9: *praefatio*	F	'Sallust'	*alius alium hortari hostibus obviam ire*
7.5	1–9: *praefatio*	F	'Sallust'	*non locus ullus asper aut arduus erat, non armatus hostis formidulosus*
7.6	1–9: *praefatio*	F	'Sallust'	*se quisque hostem ferire, murum ascendere ... properabat*
7.7	1–9: *praefatio*	F	'Sallust'	*quibus in locis maxumas hostium copias populus Romanus ... fuderit*
9.2	1–9: *praefatio*	F	'Sallust'	*iurgia, discordias, simultates cum hostibus exercebant*
9.4	1–9: *praefatio*	F	'Sallust'	*vindicatum est in eos qui contra imperium in hostem pugnaverant*
31.8	after *First Catilinarian*	R(C)	senators	*obstrepere omnes, hostem atque parricidam vocare*
36.2–3	*hostis* decree	R(C)	senators	*senatus Catilinam et Manlium hostis iudicat*
44.6	letter of Lentulus	R(C)	senators	*cum ab senatu hostis iudicatus sit, quo consilio servitia repudiet?*
45.4	arrest of Volturcius	R	Volturcius/ (conspirator)	*Volturcius ... velut hostibus sese praetoribus dedit*
48.4	testimony of Tarquinius	R(C)	Tarquinius/ (senators)	*Tarquinius ... de itinere hostium senatum docet*
51.38	speech of Caesar	F	Caesar (on early Rome)	*... quod ubique apud socios aut hostis idoneum videbatur, cum summo studio domi exsequebantur ...*
52.10	speech of Cato	R(M)	Cato	*haec ... nostra an nobiscum una hostium futura sint*
52.24	speech of Cato	R(M)	Cato	*dux hostium cum exercitu supra caput est*
52.25	speech of Cato	R(M)	Cato	*dubitatis quid intra moenia deprensis hostibus faciatis?*
52.30	speech of Cato	F	Cato (on early Rome)	*quod is contra imperium in hostem pugnaverat, necari iussit (Torquatus)*
52.35	speech of Cato	R(M)	Cato	*alii intra moenia atque in sinu urbis sunt hostes*

CITE	General context	Referent	Focalizer / speaker	Compressed quote
53.3	flashback to archaeology	F	'Sallust'	*saepe numero parva manu cum magnis legionibus hostium contendisse*
56.4	Catiline marches north	R	Catiline	*Catilina … hostibus occasionem pugnandi non dare*
57.5	Catiline marches north	R	Catiline	*Catilina postquam videt in montibus atque copiis hostium sese clausum …*
58.6	Catiline's speech	R	Catiline	*hostium duo, unus ab urbe alter a Gallia obstant*
58.16	Catiline's speech	R/F	Catiline	*arma, quibus corpus tegitur, ab hostibus avorteris, ea vero dementia est*
58.20	Catiline's speech	R	Catiline	*nam multitudo hostium ne circumvenire queat …*
58.21	Catiline's speech	R	Catiline	*pugnantes cruentam atque luctuosam victoriam hostibus relinquatis*
60.1	final battle	R(M)	Roman army	*Petreius tuba signum dat … idem facit hostium exercitus*
60.4	final battle	R	Catiline	*Catilina … saepe hostem ferire*
60.5	final battle	R(M)	Roman army	*Petreius … cohortem praetoriam in medios hostis inducit*
60.7	final battle	R	Catiline	*Catilina … in confertissumos hostis incurrit*
61.4	aftermath	R	Catiline	*Catilina … inter hostium cadavera repertus est*
61.6	aftermath	R	'Sallust'	*cuncti suae hostiumque vitae iuxta pepercerant*
61.8	aftermath	R(M)	'Sallust'	*volventes hostilia cadavera amicum … reperiebant*

Key to categories of referents:

F = Foreign / non-Roman enemy
R = Roman enemy (usu. the army pursuing Catiline)
R(C) = Catiline
R(M) = Catiline's band of conspirators

CHAPTER EIGHTEEN

VALUING OTHERS IN THE GLADIATORIAL BARRACKS

Kathleen M. Coleman

1. *Introduction*

The ninth so-called *Major Declamation* ascribed to Quintilian—we do not know who actually wrote it, or when[1]—is a typically fantastic example of the genre. A rich man and a poor man were enemies, but their sons were friends. The son of the rich man goes on a voyage, is captured by pirates, and is eventually sold to a *lanista*. The son of the poor man, having searched everywhere for his friend, tracks him down in a gladiatorial school. Being too poor to buy him out, he ransoms him by offering to become a gladiator in his stead, so that the rich man's son can support the poor man's father in his penurious old age. The poor man's son is killed in combat. His friend supports the old man, and is disowned by his own father, who objects to his son supporting his old enemy. Throughout, the gladiatorial *ludus* is treated as a sordid enterprise producing morally despicable killing machines. In the author's sarcastic words, murderers (*homicidae*) are the one category of miscreant condemned to the arena who truly qualify as gladiators: 'I was harbored among temple-robbers, among arsonists, and—the only glory enjoyed by gladiators—among murderers' (*morabar inter sacrilegos, incendarios et, quae gladiatoribus una laus est, homicidas*, [Quint.] *Decl. Mai.* 9.21).[2]

Contempt for gladiators is commonly expressed in literary sources, and contrasts markedly with the adoring epithets scribbled on the walls of Pompeii and elsewhere (although not necessarily by fans, given that some of the most famous of these graffiti were found in the gladiatorial

[1] For the likelihood that the *Major Declamations* represent a compilation composed by various authors between the time of Quintilian and St. Jerome see Sussman 1987, vii–x.

[2] My translations of *Decl. Mai.* 9 owe a considerable debt to Sussman 1987 and Krapinger 2007.

barracks, where the most obvious candidates for having composed them are the gladiators themselves).[3] 'Devaluing' gladiators is a default attitude among the elite who wrote most of our texts. Gladiators were slaves or, if they were freeborn volunteers, they were assimilated to slaves by virtue of having taken the gladiatorial oath, the *auctoramentum*, whereby they succumbed to physical coercion: 'to be branded, fettered, and killed with an iron weapon' (*uri, vinciri, ferroque necari*, Sen. *Ep*. 37.1).[4] As slaves, or virtual slaves, gladiators were by definition deficient in moral worth, although in practical terms they were valuable assets for their owners. Their engagement in mortal combat, not for the protection and consolidation of the Empire but simply as an end in itself, compounds their contemptibility.

Yet, this attitude is itself telling. The ninth *Major Declamation* is all about 'valuing others'. The poor man's son so values his friend and his own father that he substitutes his own life for his friend's. The rich man's son, on the other hand, so values his friend that he takes care of the friend's father, even at the risk of fatally alienating his own parent. In particular, the declamation plays with the paradox that the poor friend, by fighting as a gladiator, exhibits precisely those finer human feelings of which a gladiator is utterly devoid: pairs of friends stand for loyalty, selflessness, and altruism; pairs of gladiators stand for ruthless self-interest. Hence the ultimate paradox concerning the self-sacrificing friend ([Quint.] *Decl. Mai*. 9.22):

> Or would a man with a mind like this return to a gladiator's cell, would he undergo the training diet, a coach, and, finally, the role of a criminal? For my sake you fought in the arena, for your own sake you died there. Yet all these terrible marks of misfortune he took upon himself precisely so that he could relieve me of them. This man, neither a criminal nor a hard-luck case, entered the arena. Gentlemen, when did you ever hear of such a thing? He became a gladiator because of his own goodness!
>
> an ille animus rediret in cellulam, ferret saginam, magistrum, personam denique sceleris? mea depugnasti causa, tua peristi. haec tamen omnia ultima fortunae nomina, ut mihi detraheret, induit sibi. venit in harenam homo nec sceleratus nec infelix. ecquando, iudices, hoc audistis? bonitate sua gladiator factus est!

The rich man's son, however, has not been so 'bestialized' by his experience in the gladiatorial training-school, nor his sensibilities so hardened

[3] Beard 2008, 275.

[4] An expanded version is supplied at Petron. *Sat*. 117.5, inserting *verberari*, 'to be flogged', after *vinciri*.

by practicing slaughter, that he could wish his friend killed on his behalf: 'For the gladiatorial training-school had not so bestialized me, nor had long practice in killing so hardened my sensibilities, that I could wish a friend to be killed who was able to die instead of me' (*neque enim ita me efferarat ludus, aut in tantum duraverat animum caedis longa meditatio, ut eum amicum vellem occidi, qui pro me mori poterat*, [Quint.] *Decl. Mai.* 9.8). A gladiator will kill to live; the true friend dies to save someone else. If the plot is fantastic, the arguments are conventional; and the role of declamation as purveyor of moral instruction is clear.[5]

While archetypal pairs of friends are an inheritance from Greek mythology, and the concept of 'pairs' of friends occasionally surfaces in Latin texts, gladiators are so commonly mentioned in pairs in Latin—suggesting that, to the Romans, the dominant concept of pairing was adversarial rather than collaborative—that the phrase *gladiatorum paria* becomes a technical term in the language of the arena.[6] The shift from collaborative to adversarial is visible in our *declamatio*, where at first the pair of friends is positively evaluated: 'From the beginning of the human race, loyalty—which in our own times has long since disappeared—has provided very few pairs of friends who are more to be admired' (*a primordio generis humani paucissima amicitiae paria admirabiliora fecerat longe temporibus nostris fides intercepta*, [Quint.] *Decl. Mai.* 9.8).[7] A few lines further on, the pair of friends turns into a pair of opponents: 'The weapons stripped from my body are transferred to him and, although the armor doesn't fit properly, the newly designated pair is led in' (*transferuntur in illum detracta corpori meo arma, et male aptatis insignibus destinatum par producitur*). This time, the 'pair' is a pair of gladiators—hence, from the point of view of the anti-gladiatorial 'I' of the declamation, a pair devoid of moral worth. The poor friend is doomed when he dons the ill-fitting armor and becomes part of a designated pair of combatants, a pair with a negative valuation.

As far as the rich father is concerned, if the poor friend served as a gladiator, it is inconceivable how his own son could have befriended him: 'He was a gladiator; why were you his friend?' (*gladiator fuit, quare*

[5] Persuasively argued in a discussion of the educational function of declamation by Kaster 2001, 325–326.

[6] *TLL* x / 1.271.32–54 (Baer); Mosci Sassi 1992, 148–149.

[7] For doubts concerning the authenticity of *intercepta* see Krapinger 2007, p. 108 n. 140. I have retained it by dint of adopting his tentative conjecture *longe* for the manuscript reading *longa*.

amicus illius fuisti?, [Quint.] *Decl. Mai.* 9.13). The rich son pleads to be excused his association with the *ludus*: 'I don't have a gladiator's mindset' (*non habeo gladiatoris animum*, *Decl. Mai.* 9.16). His friend's reason for taking on the role of a gladiator is portrayed as the height of altruism: 'He became a gladiator because of his own goodness!' (*bonitate sua gladiator factus est!*, [Quint.] *Decl. Mai.* 9.22). The exaggerated stereotype that emerges from the declamation suggests that only negative values are on display in the gladiatorial barracks; or, to put it another way, the gladiatorial barracks were manipulated as a negative paradigm in the ancient value-system.

2. *Evaluating epitaphs*

So that is the view from the outside looking in. But what about the view on the inside? Did gladiators despise themselves? Was the institution of the gladiatorial school a collective exercise in self-hatred and masochism? Gladiators are mute in the ancient record—except in their epitaphs. But funerary inscriptions are of limited value as a 'corrective' to the distortions in the literary register. Prose epitaphs for gladiators are so formulaic that, apart from mention of the fighting-style of the deceased, they are almost indistinguishable from epitaphs for representatives of almost every other walk of life in the Roman world—a fact which in itself is of some interest, since it demonstrates that identification as a gladiator did not disqualify the subject from association with the mainstream Roman institution of funerary commemoration and its customary forms.[8] Gladiators' epitaphs trade in the same clichés as the funerary repertoire as a whole—*bene merens*, the most common funerary epithet,[9] is just as well attested of gladiators as of other sectors of society—and so, whether we are talking about gladiators or anybody else, by comparison with the fulsome list of qualities on statue-bases honoring civic patrons, funerary inscriptions offer little enlightenment about the way in which the deceased was esteemed by his survivors. Likewise, epitaphs put up by gladiators' wives express regular conjugal sentiments and do not tell us anything about the way the rest of the gladiators and the arena personnel valued the deceased.

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[8] Hope 2000, 108–112.
[9] Sigismund Nielsen 1997, 179–185.

In the East, however, an epigram often accompanies a regular epitaph, or replaces it entirely.[10] These epigrams tend to trade in fewer clichés, and are therefore potentially more revealing, but their poetic register is a vehicle for embellishment, and so cannot be taken at face value either. A further difficulty relates to the 'voice' in which epigrams, and some prose epitaphs, are written. Sometimes the deceased 'speaks', and so it is tempting to take the sentiments as his own. Admittedly, some funerary epigrams are explicitly written by the deceased in advance of his demise—one from Carthage ca. 200 CE plays very cleverly with the name of the deceased (not a gladiator), which was *Vitalis*, 'Lively' (*CIL* VIII.1027, 12468)—but there is no way to determine whether any epitaph for a gladiator was drafted by the deceased himself; and this seems inherently very unlikely. In one way, this helps with an enquiry into 'valuing others', since any values that are attributed to the deceased will be those that were esteemed by the person who commissioned the epitaph. But it also means that the attitude displayed within an epitaph towards a third party—the deceased's opponent, for instance—cannot be assumed to represent the actual valuation put upon that person by the deceased. The iconographic record is even less helpful, since we almost never know who commissioned an image, although it must often be assumed that it was the sponsor of a spectacle, and that therefore the representation of the gladiators is an image with which the sponsor wanted to be associated. So, all these types of evidence can tell us something about 'valuing others', but the value very much depends upon who is estimating it and how formulaic are the terms in which it is expressed.

3. *Support staff*

A gladiatorial troupe was a slave community, hence the contempt expressed by the rich man's freeborn son in the ninth *Major Declamation*: 'the most scorned of degraded slaves, a novice gladiator' (*inter dedita noxae mancipia contemptissimus tiro gladiator*, [Quint.] *Decl. Mai.* 9.5). In any slave household, the members were excluded from free society and its privileges, including the creation of a family, and this exclusion turns the slave's world inwards.[11] The younger Pliny describes how he encouraged his slaves to make wills, which he honored as though they

[10] Mann 2009, 284.
[11] Mouritsen 2005.

were legally binding; they could name their heirs and leave legacies within the household: 'For the house is a kind of slaves' nation and, so to speak, their citizenship' (*nam servis res publica quaedam et quasi civitas domus est*, Plin. *Ep*. 8.16). Tacitus says something similar about colonies of veteran soldiers, who used to share a sense of belonging that stemmed from their days serving in the same detachments: 'For no longer, as used to be the case, did whole legions form settlements with their tribunes and centurions and soldiers of every rank, so that they created their own state built on commonality of purpose and shared affection' (*non enim, ut olim, universae legiones deducebantur cum tribunis et centurionibus et sui cuiusque ordinis militibus ut consensu et caritate rempublicam efficerent*, Tac. *Ann*. 14.27.2).

A gladiatorial troupe, however, is not a regular slave household in which slaves, while subject to corporal punishment for misbehavior, needed to survive in sound condition in order to fulfill their function. Nor is a gladiatorial troupe the same as a detachment of soldiers, who were a community of free men, albeit subject to military discipline for misdemeanors such as desertion. Custom-built gladiatorial barracks like the Ludus Magnus in Rome are enclosed spaces, doubtless to keep the gladiators from breaking out, but the architectural design means that they look inwards to the practice-arena in the center, and so in a very real physical sense the gladiatorial school is a community that focuses upon itself, and upon that part of itself that is most fraught with risk, the fighting-space.

In funerary epigraphy, slaves commonly commemorate one another, especially members of the same specialization.[12] A gladiatorial troupe is a slave community that is already specialized, itself subdivided into further specializations, and we find representatives of various specializations commemorating each other. One subgroup within the gladiatorial community that demonstrated group loyalty were the referees and certain other support staff. Their cohesiveness is demonstrated by a funerary monument erected at Beroia in Macedonia ca. 125–150 CE to Publius, who was an umpire (*SEG* 36, 595 = *AE* 1997, 1347):

> In memory of Publius, chief umpire, by the undersigned: Eclectus, chief umpire; Onesimus, assistant umpire; Achaicus; Classicus; L(ucius) Fuficius; Restitutus; Careius; Demetrius; Athictus; Peridio; Agatho; L(ucius) Naevinus; Spatalus, herald; Eutychas, trumpeter.

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[12] Flory 1978.

Πούπλιον σουμμαρούδην οἱ | ὑπογεγραμμένοι μνήμης χάριν. | Ἔκλεκτος σουμμαρούδης, | Ὀνήσιμος σεκουνδαρούδης, | Ἀχαικός, Κλασικός, | Λ(ούκιος) Πουφίκις, Ῥεστιτοῦτος, | Κάρειος, | Δημήτριος, Ἄθικτος, | Πηριδίων, Ἀγάθων, | Λ(ούκιος) Ναιβηνός, Σπάταλος πραίκων, | Εὐτυχᾶς σαλπιστής.

Publius' monument was put up by another chief umpire (*summa rudis*), Eklektos; an assistant umpire (*secunda rudis*), Onesimos; Spatalos, a herald (πραίκων, transliterated from the Latin *praeco*); a trumpeter (σαλπιστής) called Eutychas; and ten other people, two of whom were evidently free, having both *praenomen* and *nomen*. It has been pointed out that these other people, having no designated fighting-style, cannot have been gladiators.[13] It seems highly likely that they were additional *ministri*, although the lack of specification as to their function is curious. A comparable instance comes from near Ancona in the first half of the second century CE, where a *praeco*, Tiberius Claudius Celer, was commemorated by a *secunda rudis*, Beryllus, and *officiales cun[c]ti* (*CIL* IX.5906 = *ILS* 5128 = *EAOR* III.63); it seems very likely that we are dealing with members of a *collegium* who took responsibility for one another's funerary monument. This is a reminder that social cohesion is often cemented by practical considerations, rather than overtly shared values. These heralds and referees and musicians presumably shared a status that established more in common among them than they shared with other persons in the gladiatorial barracks; the ceremonial role of the heralds and musicians, and the decisive role of the referees, perhaps raised them above the level of others in the *ludus*. They valued one another because they were communally distinct from everyone else.

At the same time, it is worth pointing out that individual gladiators could form close bonds with persons from this group, and from another distinct group, the trainers (*doctores*). A very simple inscription was put up at Smyrna by the *praeco* Platanus to Euchrous, who, judging from the depiction on the stone, was a *retiarius* (Robert 1940, no. 249). At Rome in the Antonine period or a little later, Anicetus, a *provocator spatharius* (a heavily-armed gladiator who fought with a broad-bladed sword), was commemorated by Aelius Marcion, who was both a *doctor* and a member of the top-ranked division, *primus palus* (*CIL* VI.10183 = *ILS* 5110 = *EAOR* I.59). This internal ranking system[14] itself puts an overt value upon each combatant in a gladiatorial troupe. It is a value

[13] Bouley and Proeva 1997, 84.
[14] Carter 2003.

that specifically relates to the gladiator's proven competence in combat and, as we see with Aelius Marcion, it is a value judgment that becomes part of his identity, like self-help books by authors with 'Ph.D.' after their name. Not that Marcion was advertising a product; but, indirectly, his commemoration of his pupil Anicetus is validated by Marcion's own proven competence. Similarly, at Brescia ca. 100 CE, another *provocator*, Antigonus, was commemorated by his trainer, the *doctor* Verus (*CIL* V.4502 = *ILS* 5108a = *Inscr. It.* X/5.295 = *EAOR* II.38). At Nîmes, a *thraex*, Q. Vettius Gracilis, is commemorated by a *doctor*, L. Sestius Latinus, both of them bearing the *tria nomina* of free men (*CIL* XII.3332 = *ILS* 5087 = *EAOR* V.13). From inside the gladiatorial school, there is evidently nothing base about a free man being identified with that world.

4. *Gladiators*

Gladiators themselves considered their community to be distinct and cohesive. The word for a troupe is the same as the word for a slave household, *familia*, and it is transliterated directly into Greek as φαμιλία. Commonly, an epitaph is raised to a gladiator by the whole *familia*, sometimes expressly by the members of a *collegium* (also transliterated into Greek, κολληγίον). In their epitaphs gladiators speak of one another as συνκελλάριοι, σύνοπλης, συνόμειλος, *coarmius*, *collibertus*, *contubernalis*, *convictor*. συνκελλάριοι, meaning 'cell-mates' (based on Latin *cella*), reflects the close physical proximity in which these men lived. Hence, the epigraphic register shows that gladiatorial combat in the East continued to be identified as a Roman institution, resisting the impulse to employ Greek equivalents for Latin terms that is visible in such areas as governance (ὕπατος for *consul*, etc.).[15] Nevertheless, while the technical language of the arena in the Eastern Empire remains Latin, transliterated into Greek, non-technical expressions from the Greek vernacular, corresponding to Latin equivalents, are also attested: σύνοπλης, like *coarmius*, means 'fellow-in-arms' and συνόμειλος comes from συνομιλέω, 'converse with', i.e., 'companion', 'associate', perhaps equivalent to *contuber-*

[15] Mann 2009, 282. The fact that the Greeks did not develop their own gladiatorial vocabulary is striking, given their pride in the purity of the Greek language; indeed, this lack was a source of annoyance to some educated Greeks: see Carter 2009, 212–213. For Latin borrowings into Greek in Asia Minor see Cameron 1931.

nalis ('tent-mate')[16] or *convictor* ('mess-mate'),[17] terms widely attested outside the gladiatorial context. Gladiators' opponents are called σύνζυγος ('yoke-partner')[18] or described with a compound of ἀντί, i.e., ἀντίπαλος or, very occasionally, ἀντίδικος or ἀντίος.[19]

Another gladiator is mentioned in an epitaph either because he put up the monument or because he killed, or was killed by, the commemorand. Polynices, from Attaleia in Pamphylia some time in the imperial period, had 'won a great reputation through armed combat' (μαχαῖς δι' ὅπλων δόξῃ μέγας); his epitaph is unfortunately damaged, but, of the two lines remaining, the second one says that he 'was the first to inflict a fatal wound on his dear comrade Tachinus' (πρῶτος ἔτρωσα φίλον Ταχεινὸν συνόμειλο[ν], *SEG* 30, 1514 = *SgO* 18 / 12 / 03).[20] On the face of it, this remark exhibits a very strange clash of values. τιτρώσκω (aorist ἔτρωσα) means 'to inflict a death-wound', 'kill'; the action that Polynices advertises seems diametrically opposed to the sentimental value that he accords to his victim. Tachinus, as has been pointed out, must have had an unblemished record in the arena; he had never been defeated before.[21] So Polynices' success in inflicting a mortal wound upon him justifies his claim to be δόξῃ μέγας, while the terms in which he refers to Tachinus make it clear that he respected his opponent.

At the same time, we should obviously allow that sentimental attachments developed in the gladiatorial barracks, just as they must have done in any slave community. To use a contemporary cliché, training as a gladiator could undoubtedly have been a 'bonding' experience, although rivalries and hatreds must have festered as well. φίλος may indeed convey a sentimental attachment, as it presumably does, for instance, in the case

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[16] Derived from *taberna*. The primary sense refers to soldiers or officers sharing the same quarters: *TLL* IV.789.89–790.38 (Poeschel). As MacMullen 1984, 443 puts it, they dined off 'common plate'.

[17] *convictores* are nicely defined at *CIL* XI.6244: *qui una epulo vesci solent*.

[18] The surviving examples preserve ν before ζ: Robert 1940, nos. 106 (Xanthos) and 191 (Cos); Kaibel 1878, no. 318 (Smyrna).

[19] For the Greek terminology see Robert 1940, 282. The designation *coarmius* is attested once only (*CIL* X.7297 = *ILS* 5113 = *EAOR* III.70), in the form *coarmio* (which might conceivably be nominative, rather than dative): see *EAOR*, commentary *ad loc*., and Mosci Sassi 1992, 86–87.

[20] To reduce the number of cross references in citing inscriptions that have been republished many times, I have given selective equivalents; for inscriptions included in *SgO*, the full publication history may be consulted there.

[21] Noted by the editors of *SgO*.

of Odysseus, the χρηστὸς φίλος of Miletus, whose monument he erected at Attaleia in Pamphylia (Robert 1950, no. 331 = *SgO* 18 / 12 / 02):

> Look at beautiful Miletus, beautiful to look at,
> the fighter who won eight times in the stadia,
> as beautiful as Adonis, son of Cinyras, when he was once out hunting,
> or as the beautiful boy Hyacinthus, who was once struck by a discus.
> Now Fate has taken me by force from the ring
> and laid my body in the dear earth of Pamphylia.
> This marker my good friend Odysseus has set up here for me for my tomb,
> in loving memory, to preserve my reputation.

> τὸν καλὸν ὀφθῆναι, τὸν π̣ύ̣[κτην] | ἐν σταδίοισι
> ὀκτάκι νει[κήσαν]|τα καλὸν Μείλητον ἀθρεῖτ[ε],
> [οἷ]|ον πρὶν θήραις Κινύρου καλὸ[ν] | υἱὸν Ἄδωνιν
> ἤ ποτε δισκευθέντα πάιν καλὸν | ὥς Ὑάκινθον.
> νῦν δέ | με πυκτεύσαντα κατή|γαγε Μοῖρα βιαίως
> καὶ δέ|μας ἐνκατέθηκε φίλῃ | Παμφυλίδι γαίῃ.
> σῆμα | δέ μοι τύμβου μνήμης | ἕνεκεν φιλίης τε
> στῆ|σεν ὑπὲρ δόξης χρηστὸς | φίλος ἐνθάδ’ Ὀδυσσεύς.

Odysseus seems to be a gladiator’s *nom de guerre*. These stage-names are frequently taken from the names of mythological heroes, especially those whose qualities would make the protagonist a formidable opponent, as Odysseus would, characterized in the *Odyssey* as ‘wily’ (πολύτροπος).[22] Μείλητος might also be a stage-name, but at all events there is no doubt that he was a gladiator, since he is said to have won eight times in the stadia (ll. 1–2), and the stone is decorated with eight palm branches and the trident and dagger of the net-fighter, the *retiarius*. The epithet that Odysseus gives him is ‘beautiful’ (καλός, l. 2), and this is exemplified by two similes: Miletus was as beautiful as Adonis, out hunting, or Hyacinthus, killed by a discus. These comparisons are interesting in evoking physical prowess in a realm that is distinct from the arena, but comparable to it; and the erotic associations of both may here give special point to φίλος. Odysseus’ reasons for commemorating Miletus are the usual commemorative one (μνήμης ἕνεκεν, l. 7), but also the impetus of their friendship (φιλίης). The expressions are clichés; but the stress on friendship as a value of the gladiatorial barracks is clear, whether an erotic element is implied or not.

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[22] A marked association with the world of heroes on gladiators’ tombstones in the East, derived from the broader association of athletes with the sphere of myth and—specifically—heroic beauty, is observed by Mann 2009, 284–285. The association between heroic combat and athletic competition is stressed by Carter 2009, 308–310.

One more detail in Miletus' epitaph deserves attention: his affectionate reference to the φίλη γαῖα of Pamphylia. Gladiators in the West rarely mention their place of origin, but in the East a gladiator's epitaph can claim that he brought glory to his native city, as with a *retiarius* from Thessalonica called Euphrates (Kaibel 1878, no. 945 = Robert 1940, no. 13), whose funerary epigram concludes, 'Having won six times I brought glory to my fatherland' (ἑξάκι νικήσας | πατρίδ' ἐπη(υ)κλέισα).[23] This is a claim adopted from the world of athletes, whose victories are commonly said to redound to the credit of their native city; evidently the transfer occasioned no sense of incongruity.[24] While Miletus does not explicitly claim to have glorified Pamphylia, by mentioning her φίλη γαῖα he associates his career with her, and this expression of patriotism implies a reciprocal estimation of his achievements on the part of his fellow citizens. It was evidently not preposterous to claim that a gladiator's community valued him.

In the arena, a gladiator had at all costs to avoid an aggressive attitude, which would render him vulnerable. As Seneca says in *De ira*, 'their skill protects gladiators, anger strips them naked' (*gladiatores … ars tuetur, ira denudat*, Sen. *De ira* 1.11.1). The fighting instinct has constantly to be curbed by self-control. That was the problem with the opponent killed by a certain Stephanus at Hierapolis in the Maeander Valley; the first two and a half lines tell us that the opponent was 'full of irrational bitterness', whereas Stephanus, exerting his powers of rationality and self-control, managed to defeat him (Robert 1940, no. 124 = *SgO* 02 / 12 / 08):

> To be sure, I, who was once celebrated in the stadium, have received oblivion,
> having killed my opponent, who was full of irrational bitterness.
> My name is Stephanus.
>
> [ἦ] τὸ πρὶν ἐν στα[δίῳ κε]λαδούμενος ἔλαβα λήθην, |
> κτείνας ἀντίπαλον μεστὸν πικρίας ἀλογίστ[ου].
> οὔ|νομά μοι Στέφανος·

It was also crucial that a gladiator should judge his opponent a worthy adversary; defeat of a lesser opponent is no victory at all, as Seneca says: 'a gladiator judges it degrading to be matched with a lesser partner, and he knows that the gladiator is defeated ingloriously who is defeated without

[23] Mann 2009, 285.

[24] Robert 1940, 80: 'La formule, appliquée aux sanglantes victoires d'un gladiateur, devient, pour nous, assez piquante.'

risk' (*ignominiam iudicat gladiator cum inferiore componi et scit eum sine gloria vinci qui sine periculo vincitur*, Sen. *Prov.* 3.4). Juvenal says the same thing about a *secutor* pitted against an unworthy opponent: 'so the *secutor* who is told to fight against Gracchus suffers shame that smarts more than any wound' (*ergo ignominiam graviorem pertulit omni | volnere cum Graccho iussus pugnare secutor*, Juv. 8.209–210). Respect for the opponent is therefore one of the values that prevails in the gladiatorial *ludus*.

5. Lanistae *and* munerarii

In any hierarchically structured organization, different values will be recognized by different members of the group. For their owner, gladiators were a capital investment, and so they had a value as commodities. This is vividly conveyed by the jurist Gaius, in the second century CE, illustrating the difference between hire and purchase by employing an analogy from the arena: a person who rents gladiators pays 20 denarii apiece if they are returned to barracks in a viable condition, but 1,000 for any who is killed or severely injured (Gai. *Inst.* 3.146). This 'commercial' value has now been horrifically confirmed by the excavation of a gladiatorial graveyard at Ephesus, where some skeletons show a number of severe wounds that have healed—they have to be severe, if the bones show evidence of them—as well as the single unhealed wound caused by the fatal blow.[25] In other words, these people were expensive instruments, and they had to be kept in working order and repaired, so to speak; the likes of Galen saw to that.[26]

The *munerarius*, the sponsor who puts on a display, values the gladiators in a slightly different way, depending on whether he owns them or not. He may have his own troupe—some of the priesthoods in the Roman East required candidates to take over the troupe of their predecessor—or else he rents them.[27] For such a benefactor, the gladiators had a distinct value as the means by which he earned the respect and gratitude of his fellow citizens. The ninth *Major Declamation* has the striking phrase *sanguine nostro favorabilis dominus*, 'the sponsor of the show, seeking

[25] Kanz and Grossschmidt 2006, 210–215; Junkelmann 2008, 177–178.
[26] Scarborough 1971.
[27] Robert 1940, 283–285.

popularity by means of our blood' ([Quint.] *Decl. Mai.* 9.6); the popularity that this fictitious person is envisaged earning from the blood-letting is the same *favor muneris* that caused a sponsor at Trieste to honor two gladiators with a funerary monument (*CIL* v.563 = *ILS* 5123 = *CLE* 1851 = *Inscr. It.* x / 4.77 = *EAOR* ii.19, discussed in section 8 below). Potentially relevant, also, is an epigram from Caesarea Mazaka in Cappadocia that celebrates Pelopius, who gained fame from the young men participating in the festival of the war-god Enyalius and grief-bringing Ares (Robert 1940, no. 74 = *SgO* 13 / 06 / 01):

> Look at these young men, revelers celebrating murderous Enyalius,
> lusty companions of grief-bringing Ares.
> If this, too, is fame, that many have been killed,
> look at Pelopius, outstanding among the dead.
>
> αἰζηοὺς στονόεντι συνηβήσαντας Ἄρηϊ,
> κωμαστὰς φονίου δέρκευ Ἐνυαλίου·
> εἰ δὴ καὶ τόδε κῦδος ἐπὶ κταμένοις πολέεσ(σ)ιν,
> ἔξοχον ἐς Πέλοπιν δέρκετ' ἀπὸ κταμένων.

The interpretation of this epigram is disputed: was Pelopius a gladiator or a *munerarius*?[28] The latter interpretation finds support[29] in an epigram of the second or third century CE from Sagalassus in Pisidia (*CIG* 4377 = *IGRRP* iii.362 = Kaibel 1878, no. 407 = Robert 1940, no. 98 = *SgO* 18 / 08 / 01):

> In every respect Tertullus' fame [. . .],
> both because of his fine deeds and his distinguished ancestry,
> but still more now that he has laid low such an army
> of Ares-loving mortals in the stadia,
> and killed bears, panthers, and lions,
> counting his native city more precious than his own wealth.
> Together with renowned Ares, Hermes also presided over the games with him,
> providing victory to the men who carry off the prizes.
> For this reason emperors ave given orders for letters to be written to him,
> and his virtues even surpass those of his ancestors.
> But, even if its craftsmanship is proof that this stone is from Phrygia,
> this marker is deceptive; the stone comes from this land of ours.

[28] Louis Robert, having rejected the possibility that Pelopius was a *munerarius*, translated l. 3 'si c'est une gloire d'avoir tué beaucoup d'adversaires', and printed ἀποκταμένων in l. 4 as one word, without, however, offering a translation (Robert 1940, 126–128).

[29] Noted by the editors of *SgO* 18 / 08 / 01.

πάντη μὲν κῦδος Τερτύλλου [ ]
ἔκ τε σοφῶν ἔργων ἔκ τε ἀγαθῶν πατέρω[ν]·
νῦν δ’ ἔτι που καὶ μᾶλλον, ἀρηϊφίλων ὅτε φωτ[ῶν]
τόσσην ἐν σταδίοις ἐστόρεσεν στρατι[ήν],
ἄρκτους πορδά[λι]άς τε κατέκτανεν ἠδὲ λέ[οντας],
σφῶν κτεάνων πάτρην πρεσβυτέρην θέμενο[ς]·
τῷ μετὰ κλεινὸν Ἄρην ἐναγώνιός ἐστι καὶ Ἑρμ[ῆς],
νείκην πορσύνων ἀνδράσιν ἀθλοφόροις.
τούνεκα καὶ βασιλῆες ἐπιστέλλειν ἐπένευ[σαν],
αἵ δ’ ἀρεταὶ τούτου καὶ προγόνων πλέον[ες].
σῆμα δέ, κεἰ τέχνα Φρύγιον λίθον ἔργῳ ἐλέ[γχει],
ψεύδεται· ἐγ γαίης τῆσδε πέφυκε [λίθος].

This epigram honors a certain Tertullus, who sponsored gladiators (a ‘whole army of Ares-lovers’, ἀρηϊφίλων … φωτῶν τόσσην … στρατιήν, ll. 3–4), a *venatio* (bears, panthers, and lions, ἄρκτους πορδά[λι]άς τε … λέ[οντας], l. 5), and an athletic display (ἐναγώνιος … Ἑρμῆς, l. 7) of such magnificence that he received letters from emperors (formally known as μαρτυρίαι, ‘letters of witness’)[30] and surpassed the virtues of his predecessors (ll. 9–10). Both these epigrams characterize the gladiators as serving the gods of battle. It is possible to regard these high-flown epithets as simple reflexes of the bombastic poetic style, standing for bravery and nothing more. But the identification of the gladiators as devotees of the gods of war edges towards dignifying them with a military ethos and a religious fervor. This impulse receives inverse confirmation from evidence that common prejudice resisted the assimilation of gladiators to the military; the distorting mirror of the ninth *Major Declamation* scorns gladiators precisely for debasing the military ethic: ‘What a shame it is’, the protagonist says, ‘that the gladiator’s courage and fervor were not employed in the military, in the theater of war, where real bravery is not circumscribed by rules of engagement’ (*facinus indignum illum animum, illum ardorem non contigisse castris, non bellicis certaminibus, ubi vera virtus nulla pugnandi lege praescribitur*, [Quint.] *Decl. Mai.* 9.9).[31]

[30] Fifty-four examples are collected by Kokkinia 2003, 207–213.

[31] Adopting Winterbottom’s conjecture *praescribitur* (cit. Krapinger 2007, p. 116 n. 176) for the manifestly corrupt phrase *praemium scribitur* in the manuscript tradition.

6. *Mercy*

One spin-off of the commercial value of gladiators is the incentive to keep defeated parties from being dispatched. One of the truisms that the protagonist of the ninth *Major Declamation* expresses about the arena is that 'even gladiators spare the defeated' (*victis etiam gladiatores parcunt*, [Quint.] *Decl. Mai.* 9.18). Hence, mercy towards the defeated is the most striking way in which a gladiator's behavior embodies the value that he ascribes to his opponent—so striking, indeed, as to have got through to the author of the declamation. Respect for the defeated that translates into mercy is sometimes expressed in epitaphs. At Alexandreia in the Troad, the 'voice' of a certain Autolycus says that he wanted to save the opponent whom he had defeated, but then he was killed himself (*IG* XII / 2.644 = Robert 1940, no. 285 = *AE* 1973, 521 = *IK* LIII.104, with photograph = *SgO* 07 / 05 / 02):

> You marvel perhaps, dear (passer-by), that I, Autolycus, have died;
> I had the upper hand, and wanted to save (my opponent).
> In the moment of victory I died, contrary to fate.
>
> Sebastiane (set up this inscription) for Autolycus, as a memorial. If anyone moves this altar somewhere else, he will pay 2,500 denarii to the *fiscus*. Greetings, passer-by.
>
> θαυμάζις με θανόν|τα τυχόν, φίλε, τὸν Αὐ|τόλυκον·
> οὕτως πως | προλαβών, σῶσαι δὲ θέλω⟨ν⟩· |
> νικήσας ἔθανον παρὰ | μοῖραν·
>
> Σεβαστιανὴ Αὐ|τολύκῳ μνείας χά|ριν· εἴ τις δὲ μετα|θῇ τὸν βωμὸν δώσει |
> εἰς τὸ ταμῖον X βφʹ | χῆρε παροδῖτα.

Gladiators' epitaphs sometimes allude to multiple opponents spared after defeat, as does the first half of the epitaph for the gladiator Ajax at Thasos (Robert 1940, no. 55):

> You do not look upon the Locrian Ajax nor, on the other hand, the Telamonian, but the one who gave pleasure in the stadia in warlike battles, having bravely saved many souls while under great pressure (?), hoping that someone would grant the same to me.
>
> Οὐ Λοκρὸν Αἴαντά με κα|θορᾷς οὐδ' αὖ Τελαμώνι|ον, ἀλλὰ τὸν ἐν σταδίοις | ἀρέσαντα ἀρηίοισι νείκε|σιν, ψυχὰς πολλὰς σώ|σαντα (σώσοντα *lapis*) κρατερῶς ὑπ' ἀ|νάνκην, ἐλπίζων[32] καὐ|τὸς ὅτι κἀμοί τις ταὐτ' ἀ|ποδώσει.

[32] The phrase κρατερῶς ὑπ' ἀνάνκην is unclear and has been suspected of corruption:

Having 'saved many souls' (σώσοντα on the stone is presumably a mistake for σώσαντα),[33] Ajax, as the rest of his epitaph reveals, died of natural causes. Likewise, Olympus at Larissa in Thessaly is said to have saved many people in the arena: 'Passer-by, you look upon me, brave Olympus, who has often snatched victory in the stadia, and in the stadia saved many men' (Ὄλυμπόν με καθορᾷς θρασύν, ὦ παροδεῖτα, | πολλάκις ἐν σταδίοις νεῖκος αἱρησάμενον, | πολλοὺς δ᾽ ἐν σταδίοις σώσας, *IG* IX / 2.644 = Robert 1940, no. 56). His epitaph goes on to tell us that Olympus was killed in his ninth fight. Such sentiments as these are obviously expressed in order to ennoble the deceased, but they do demonstrate indirectly that the pressure to spare the defeated, whether or not it was ultimately motivated by purely commercial considerations, was rationalized as something praiseworthy.

This is complicated, however: in talking about 'saving' their opponents, gladiators are apparently rationalizing the absence of killing as a virtue, whereas the true motive might be that gladiators are expensive, and therefore there is pressure to kill them as seldom as possible. But sparing someone because it was expensive to kill him would also be a type of rationalization, and what is interesting about the notion that it is virtuous to spare one's opponent is that it seems to introduce an emotional element beyond purely practical (or mercenary) considerations. In describing the merciful acts of Autolycus, Ajax, and Olympus, it is noteworthy that in each case the term σώζω ('save') is used instead of φείδομαι ('spare'). It is hard to tell whether σώζω has commercial overtones, as in 'saving money', or is instead related to the concept that gives us the epithet Σωτήρ for Hercules (or, indeed, Christ). If the overtones are in fact commercial, that would suggest that the protagonist, like a *lanista* or a *munerarius*, viewed his opponent as a commodity, in which case to interpret his gesture as 'respect for human life' might be an anachronism; but the laudatory atmosphere of funerary commemoration perhaps makes it more likely that the deceased is being cast in the role of a merciful hero.

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see Robert 1940, 114. Thereafter the first-person narrator loses the thread of the address to the passer-by and slips naturally into the nominative with ἐλπίζων.

[33] Robert 1940, 113 n. 4.

7. *Christian values in the arena?*

It has been remarked that gladiators are never commemorated in terms of their wealth or winnings, in marked contrast to inscriptions commemorating charioteers, which sometimes—though not always—list their prizes in exhaustive detail;[34] for gladiators recorded in the West,[35] the career structure is what was valued: if an epitaph goes beyond the bare name of commemorator and commemorand, it supplies in addition the gladiator's specialization, his age, and a résumé of his victories, draws, and defeats. In other words, what was represented was the gladiator's identity *as a fighter*. It may seem self-evident to point out that gladiators were valued for their bravery. But, when they are not, the value-system is called into question, and we sit up and take notice, unless the subject was a *tiro*, a recruit who had not yet fought in public, as is the case with a gladiator from Rome, who was trained in the Thracian fighting-style and commemorated by the entire contingent of gladiators fighting in the same style, a telling hint of the function fulfilled by training-routines in building group-solidarity (*CIL* VI.10197 = *ILS* 5089 = *EAOR* I.97):

> To the shades of the dead. To well-deserving Macedon, novice Thracian gladiator, of Alexandrian extraction, the whole troupe of Thracian gladiators raised this monument. He lived 20 years, 8 months, 12 days.
>
> D(is) m(anibus). | Macedoni thr(aeci) | tiro(ni), Alexandrin(o), | ben(e) mer(enti) fec(it) | armatura thraecum | universa. vix(it) ann(is) XX, | men(sibus) VIII, dieb(us) XII.

Macedon, having died a raw recruit, had had no chance to prove his bravery.

Occasionally, however, a gladiator's epitaph elides the customary qualities of courage and manliness without there being any obvious explanation such as the status of an untested recruit. The epitaph of a gladiator buried in a sarcophagus, a rare occurrence, employs an entirely anomalous list of epithets (*CIL* VI.10185 = *EAOR* I.115):[36]

> Julius Valerianus, who lived life well for 20 years, died on his birthday, a good member of the troupe, loving, inspiring affection all the way to the 'ditch'.

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34 Hope 2000, 97.

35 Hope 2000 (Italy); Mann 2009, 283–284.

36 The following discussion develops a theory first sketched in Coleman 2005, 16–17.

> Iulius Balerianus | qui vixit annis b(ene) xx | natali suo d(ecessit), | sodaliciarius bonus, amoratus, | filetius u`s´que at fotsa(m).

The deceased is Julius Valerianus, twenty years old and described as a *sodaliciarius*, presumably a member of a *sodalicium* or *sodalitas*;[37] in gladiators' epitaphs, *sodalis* is a frequent descriptor for the deceased or the dedicator.[38] The adjectives applied to Valerianus are *bonus*, *amoratus*, and *filetius*, qualities that he is said to have displayed *usque at fotsa(m)*, all the way to the 'ditch', a slang term for the grave.[39] The Latin has several anomalous features: B for V (*Balerianus*), unvoiced dental *t* for voiced *d* in *at* for *ad*, and the dissimilation of the double consonant and loss of final *-m* in *fossam*;[40] we can identify this language as belonging to the register of the *sermo vulgaris*, even if its features are too widely attested to permit a definitive date.[41] Two of the adjectives describing Valerianus are also anomalous. *Amoratus* is a virtual *hapax legomenon*, being otherwise attested only in an inscription on a Christian tomb, *DOMVS AMORATI* (*ICUR* 8415), where it seems to identify the occupant. *Amoratus* testifies

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37 *-arius* is one of the most productive suffixes for creating adjectives and substantives from a noun base: see Olcott 1898, 136–140. *Sodaliciarius* is attested only here (Olcott 1898, 169). The sole instance of *sodaliciaria* occurs in an epitaph erected by C. Vergilius Martanus to his wife, Anulena Certa, where the phrase *sodaliciaria consili boni*, although introducing an intrusive nominative into a sequence of epithets in the dative, nevertheless seems to refer to her (*CIL* VI.9275 = *ILS* 7454); for *sodaliciaria* Olcott 1898, 175 suggests 'companion'.

38 The deceased (relevant phrase only): *EAOR* I.83 (Rome) *s(odali) [b(ene)] m(erenti) f(ecit)*, V.63 (Cologne) *Exsocho essed(ario) sodali [be]nemerenti [pos]uit*. The dedicator(s) (again, relevant phrase only): *EAOR* I.84 (Rome) *[sodal]es b(ene) m(erenti) fecerunt*, IV.40 (Tusculum?) *sodales lusus Iuvenalis*, V.14 (Nîmes) *Cascelliu(s) sodalis*, 19 (Nîmes) *sodalis po(suit)*.

39 Cf. *fossor*, slang for 'grave-digger' (properly *vespillo*). The colloquialism, peculiar to later Latin, may be specifically Christian: *TLL* VI/1.1210.25–28 (*fossa*), 1215.6–14 (*fossor*) (Rubenbauer).

40 The earliest attested instance of /b/ for /w/ occurs in the trove of tablets from Murecine concerning legal transactions of the freedman C. Novius Eunus, dated to 37 CE (Adams 1990, 235–236); for detailed discussion of the chronological and geographical distribution of the sound-change see Adams 2007, 624–666. Neutralization of the opposition of voiceless /t/ and voiced /d/ in monosyllables and 'grammatical' words occurred very early: see Adams 1977, 26. For dissimilation of consonants (though not contiguous) see Väänänen 1959, 81 and 1963, 73. Loss of final /m/ is already attested in inscriptions from the archaic period (Väänänen 1963, 69–79) and is widely attested at Pompeii (Väänänen 1959, 71–77).

41 The editor of *EAOR* I.115, Patrizia Sabbatini Tumolesi, postulates a fourth-century CE date from the linguistic features, combined with the palaeography and typology of the monument and the absence of a *praenomen*. The loss of the *praenomen* is, however, not decisively late, being attested from the early Empire onwards: see *OCD*[3] 1024–1026 s.v. names, personal, Roman (H[eikki] So[lin]).

to the popular trend in forming adjectives from substantives in *-or* to indicate possession of the quality in question, so that (for instance) *timoratus* means 'fearing (God)', 'devout', equivalent to εὐλαβής;[42] hence, *amoratus* is probably equivalent to *amans*, 'loving', rather than *amatus*, 'beloved'.[43] This active sense would contrast with *filetius*, truly a *hapax legomenon*, which seems to transcribe the verbal adjective φιλητέος and should therefore have a passive sense.[44] Hence, Valerianus was good and, evidently, both loving and beloved. The ascription of such qualities to a gladiator is utterly unprecedented, and therefore requires explanation.[45]

The depiction of a *retiarius* to the left of the inscription implies that this fighting-style was Valerianus' speciality. A person depicted holding a palm-frond on the other side may also be meant to be him, or it could be somebody else. The palm-frond could be merely symbolic; in fact, it could be a Christian symbol. A Christian context is not impossible;[46] indeed, the claim that Valerianus died on his birthday, *natali suo d(ecessit)*, may perhaps reflect the early Christian belief that the day of death is the day of re-birth into a new life with Christ, a belief attested in funerary epigraphy[47] and in Tertullian's pointed description of

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42 Souter 1949, 421 (although he translates *amoratus* as 'beloved', 14).

43 For the formation see Olcott 1898, 245; Adams 1995, 537. This interpretation seems preferable to the suggestion (Coleman 2005, 17) that *amoratus* represents φιλούμενος or ἀγαπητός, 'beloved', the latter common in the New Testament and the Septuagint.

44 *TLL* VI / 1.746.71–72 (Jachmann). By the time of the Empire the Greek verbal adjective has lost its gerundive sense and approximates to a passive participle. Du Cange 1938 quotes Fleetwood 1691: 'Sodalis, Bonus, Amatus, et Amicus humanus, charus, φιλητέος, usque ad Fossam, i.e. Sepulcrum'. For another isolated Greek word transcribed in an epitaph at Rome, cf. *tecusa* (= τεκοῦσα), *CIL* VI.7968 *dom(inae) matri pie car(issimae) dul(cissimae) tec(usae)*, tentatively supplemented by Mommsen on the basis of the dedication at *CIL* VIII.4692 (Madaura, Numidia Proconsularis): *coniugi rarissimae … facundae tecusae karissimae*. For the (less credible) possibility that *filetius* represents φιλητικός, 'affectionate', with loss of the kappa due to mason's oversight, see Coleman 2005, 17.

45 Tertullian's reference to gladiators as 'those very affectionate arena-types, to whom men surrender their souls, and women their bodies too' (*arenarios illos amantissimos, quibus viri animas, feminae autem illis etiam corpora sua substernunt*, Tert. *De spect.* 22) is sarcastic.

46 Cf. the editor's commentary on *EAOR* I.115: 'Non è inoltre da escludere una qualche connessione, e forse non soltanto una coesistenza, con l'ambiente cristiano tardoimperiale a Roma. Sembra confortare questa ipotesi il formulari dell'epigrafe, sopratutto con la sua insistenza sulle note morali del defunto, tanto più eccezionali se le pensiamo riferite ad un gladiatore.'

47 Examples in Rome: *ICUR* 9046 = 24060 (*natus in pace*), 9060 (*qui natus e⟨s⟩t in Idus Ianuaria⟨s⟩*), 9228 (*Victore vitus in pace qui bixit ann(is) XXXII usque natale suo quintu Idus Martias*), 15634 (*depositus V Idus Iulias die Iovis quo et natus est*), 24180 (*Taurus qui natus VI Kal(endas) Mar(tias) et vixit an⟨n⟩is II dies VII*). All these instances, except the

anniversary celebrations for the dead: 'on the anniversary of their death we make ritual offerings to the dead in celebration of their birth' (*oblationes pro defunctis pro nataliciis annua die facimus*, Tert. *De corona militis* 3.3).[48] If Valerianus was a Christian, then the qualities ascribed to him are explicable as prototypical Christian virtues, and their substitution for a regular résumé may not support the default assumption that he was a *tiro*; nor may these qualities rank within the conventional value-system that prevailed in the gladiatorial barracks.

It is easy to see how the atmosphere in the barracks could be hospitable to a proselytizing religion like Christianity, with its hope of an afterlife: people were crowded together and mortality was palpable; here, death was even closer to certainty than it was in ancient life in general. If the Christian message penetrated inside the *ludus*, it could well have spread like wildfire. It is clear from Tertullian and other sources that Christians were not supposed to adopt the profession of gladiators, and there is no need to assume that Valerianus would have been a Christian *before* he became a gladiator, if indeed he ever became a Christian at all. My point is that the language of his epitaph has a Christian flavor, if I may put it in those terms, and I wonder whether he furnishes us with our first (and so far our only) example of a gladiator who converted to Christianity and was commemorated for manifesting its gentle virtues, so opposed to the rugged qualities with which gladiators were usually associated, and more sentimentally articulated than the conventional expressions of fraternal loyalty associated with the barracks.

A large team of slaves was required to run a *ludus*, and we know from the New Testament and elsewhere that Christianity spread quickly through the servile sector of ancient society. Perhaps Valerianus and his fellow gladiators (themselves slaves, or assimilated to servile status) learnt about Christianity from one of the slaves staffing the barracks, who brought word of this new faith from the streets of the outside world. If Valerianus did convert inside the barracks, then his fellow gladiators

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first, specify the 'date of birth'. While it is common to calculate the age of the deceased down to the last day, epitaphs in the Roman and early Christian period do not give the date on which the deceased was actually born, as ours do; instead, the specificity of the 'date of birth' corresponds to the Christian habit, sporadically attested, of recording the precise date of burial, e.g., *ICUR* 6550 *dep(osita) ter(tio) Nonas Iulias Amartia*.

[48] Rush 1941, 72–87; Shaw 1996, 103 (from whose article the translation of Tertullian's quotation is taken); *RAC* IV.229–236 s.v. Geburtstag (A. Stuiber); Handley 2003, 9–10; Coleman 2005, 17; Carroll 2006, 274. I am grateful to Carol Straw (Mount Holyoke College) and Ellen Aitken (McGill University) for making me aware of this belief.

would also have heard the message and, whether or not they converted too, they would have commanded the vocabulary that belonged to this new sect, with its alternative set of values so different from the mainstream qualities that we see advertised on gladiators' epitaphs elsewhere.

8. *Valuing a good death*

Most gladiators' epitaphs in the West are frustratingly bland; Valerianus' is exceptional. But two others are somewhat forthcoming. At Parma, a gladiator called Vitalis, *retiarius invictus*, was commemorated by his *convictor*, Hymen, having fought his adversary to the death (*CIL* XI.1070 = *ILS* 5118 = *EAOR* II.46):

> To the shades of Vitalis, *retiarius*, unbeaten, Batavian by origin. Because of his bravery, he fought to a draw (*or*: fought to the death) with his adversary. He was a spirited fighter. His barrack-mate Hymen [...]
>
> [D(is)] m(anibus) | Vitalis, invic|ti retiari, nati|one Bataus; | hic sua virtu|te, pariter cum | adversario de[pu]|[gnav]it; alacer fu[it] | [p]ugnis; Hi[me]n convi|[ctor] eius | [...]

Vitalis was unbeaten, *invictus*, either because he and his adversary fought to a draw (in which case Vitalis presumably died of wounds sustained in the fight) or because they both died. It may be something of a distortion to say that he was valued for the manner of his death, but I think that the language here does, indirectly, tell us something about valuing others: Vitalis fought with spirit (*alacer fuit pugnis*), and explicitly displayed *virtus* by fighting it out, either to a draw or to the death; it was his bravery that earned him this special commemoration.

The same fate, and the same distinction, was visited upon two gladiators at Trieste, in an inscription mentioned briefly already (*CIL* V.563 = *ILS* 5123 = *CLE* 1851 = *Inscr. It.* X / 4.77 = *EAOR* II.19):

> Constantius, sponsor, to his gladiators because of the success of the show. He granted a funerary monument to Decoratus, who slew the *retiarius* Caeruleus and himself fell, slain. The wand killed them both; the pyre shelters each of them. Decoratus, *secutor*, who fought nine times, left a legacy of premature grief to his wife Valeria.
>
> Constantius munerarius | gladiatoribus suis | propter favorem | muneris, munus se|pulchrum dedit De|corato retiari⌜um⌝ | qui peremit Caeruleum | et peremptus decidit; | ambos extinxit rudis; | utrosque protegit | rogus. Decoratus | secutor pugnar(um) VIIII | Valeriae uxori do|lore(m) primum | reliquit.

Because of the success of the show (*propter favorem muneris*), Constantius, the *munerarius*, commemorated Decoratus, a *secutor*, and Caeruleus, a *retiarius*, whom Decoratus had killed, being (in the process?) killed himself: the epitaph, straining for rhetorical point (and for iambic senarii),[49] claims a common fate for the pair, killed by the referee's wand and sheltered by a common pyre. An engagement in which both protagonists were killed by order of the referee runs counter to the conventional expectation that either there is a clear winner, in which case the referee arbitrates the loser's fate in accordance with the verdict of the spectators, or else the protagonists fight to a draw, which usually means that both are spared. But it does look as though Decoratus and Caeruleus are being valued for the coincidence of their death: it made Constantius' show a 'hit', and caused him to reflect his appreciation by erecting a memorial to the pair of them (with some assistance from Decoratus' wife Valeria being mentioned at the end).

If it is indeed the case that gladiators value one another's capacity to die well, this value-system gains an especially grim resonance from the fact that it appears to have been customary for gladiators from the same barracks to fight one another in public. That is the most obvious interpretation of the phrase *suis gladiatoribus* in Constantius' inscription: 'his gladiators (i.e., gladiators from his own troupe)', rather than 'his gladiators (i.e., the ones he rented for the occasion from different troupes)'. At Telesia in Central Italy a prominent citizen called Titius Fabius Severus earned a statue from his fellow townsmen (*CIL* IX.2237 = *ILS* 5060 = *EAOR* III.28):

> To Titius Fabius Severus, patron of the colony. Because of his achievements within the community and beyond it, and because he was the first of all sponsors to display at his own expense five beasts from Africa along with the troupe of gladiators belonging to the Arrii and magnificent technical back-up, the council and inhabitants have most willingly voted him a statue.
>
> Titio Fabio Seuero, | patrono coloniae, ob me|rita eius domi forisque, | et quod primus omnium | editorum su[mptu pr]oprio | quinque fer[as Libyca]s | cum familia [glad(iatoria) Arr]ia|norum et adpa[ratu m]ag|nifico dederit. ordo | civesque libentissime | statuam tribuerunt.

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[49] This inscription is printed among a group of addenda to *CLE* whose inclusion is justified, in Buecheler's words, 'quod etiam neglecta carminum ratione satis memorabiles titulos existimabam'. The text is inconsistently recorded in fifteenth- and sixteenth-century manuscript copies; a lucid account of discrepancies in layout and spelling is supplied at *Inscr. It.* X / 4.77 (P. Sticotti). I have adopted the layout judged by Sticotti to be

The Arrii were a prominent family in south-central Italy, and there is no suggestion here that their gladiators were put to fight anyone else's; they must have fought one another. The same practice seems to have prevailed in the East, as witnessed by Polynices, who wounded his hitherto invincible friend Tachinus (*SEG* 30, 1514 = *SgO* 18/12/03, cit. in section 4 above). Among many pieces of epigraphic evidence, there is a particularly gruesome series of panels, recently discovered at Hierapolis in Phrygia, which constitute the memorial of the troupe of gladiators owned by a certain Cn. Arrius Apuleius and his wife, who were high priests of the imperial cult.[50] The panels show pairs of gladiators in mortal combat, each identified by one name only, and there is no suggestion that any of them belonged to someone else. They are stabbing each other to death, and they all belonged to the priestly Apuleius and his priestly wife.

Gladiators had to fight; they were under compulsion, and refusal—as with any recalcitrant slave—meant punishment. But, while injury or even death was a risk, survival was possible, even for those who were defeated, and there were symbolic and material rewards.[51] A combination of professionalism and fatalism seems to have helped gladiators who knew one another to face up to their comrades in the arena.[52] Looking at the issue from the perspective of the value-system that prevailed in the closed community of the gladiatorial barracks, in the value placed upon a brave death it is possible to see an impulse that is evident elsewhere in Roman society, at the elite end in the interest in *exitus illustrium virorum* ('deaths of famous men', a literary category that became almost a subgenre in itself) or in Arria's *non dolet, Paete* ('it doesn't hurt, Paetus', her bracing words to her husband on committing suicide first: Plin. *Ep.* 3.16.13), and at the other end in Seneca's commendation of prisoners who had the courage to commit suicide rather than be exposed to beasts in the arena (Sen. *Ep.* 70.20–23). This may seem like a very distorted reflex of the concept of 'valuing others'. But, in a society where gladiators were commodities, commodities whose owners had absolute power over their lives and their deaths, valuing one's fellows in the barracks meant having the courage to harm or be harmed by them. For all its distorting sarcasm,

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more authentic (*contra* Mommsen in *CIL*), rather than attempting to reproduce the iambic senarii that Buecheler thinks were the author's intention.

[50] Ritti and Yilmaz 1998.

[51] Statistical chances of survival, ranging from 90 % in the first century CE, but decreasing thereafter, are computed by Ville 1981, 311–325. For rewards, both symbolic (palm and wreath) and material (coin and silver plate), see Ville 1981, 426–427.

[52] Coleman 2005, 19.

the ninth *Major Declamation* gets it right: disowned by his father, the rich man's son asks him bitterly, 'Isn't it enough that, by daily practice for combat for so long, I learned how to die? That, matched with my opponent, armed, and led into the arena, I would have died, had I been a better friend?' (*parum est … quod cotidiana pugnae meditatione tamdiu mori didici, quod compositus armatus inductus perieram, si melior amicus fuissem?*, [Quint.] *Decl. Mai.* 9.12).

9. *Conclusion*

It is hard to uncover how others were valued in the gladiatorial barracks. From the outside, gladiators were a useful negative paradigm against which to position 'positive' elite values, especially in a lurid moralizing discourse such as declamation. But that external moralizing discourse, if pressed, may allow us to infer some of the internal values underneath. For the unmediated inside view, however, we have very little to go on. The management saw the barracks in commercial terms, an instrument for gain—in money for the *lanistae* and, for the *munerarii*, in prestige. There are hints that this attitude may have spread within the barracks by a 'trickle down' effect, enabling the gladiators to 'commodify' their opponents, although it remains possible that claims to have 'saved' an opponent do indeed reflect a spirit of magnanimity. Very striking are the hierarchies within the barracks, a pecking-order of who could commemorate whom that simultaneously reveals bonds between pupils and trainers that are evocative of modern relationships between star athletes and their coaches, although in the modern world the evidence comes not from tombstones but from media interviews.

For the gladiators, permanently denied *existimatio* by the stain of *infamia* inherent in their profession, the value that they were accorded within the barracks was quantified and displayed in the *palus* system that ranked their performance and assigned them a monetary value. But we should not underestimate the stake in the Roman value-system—or, in the East, the value-system represented by the heroes of Greek mythology—that they could claim by displaying their ability to die, or kill, without flinching. Inevitably, physical bravery in combat—especially the capacity to wound, perhaps mortally—suggests military values. Similarities between the worlds of the gladiator and the soldier were already remarked in antiquity and can readily be documented, although there were differences too, the most significant—in terms, at least, of the under-

lying value-system—being the absence of a common enemy whose defeat depended upon the individual soldiers not letting their side down.[53] So, while the camaraderie of the gladiatorial barracks may recall the intimacy shared by members of the same military century, respect for a fellow gladiator who was a potential opponent cannot have rested on exactly the same premises as respect for a fellow soldier facing the same external enemy.

Yet, there was another external enemy, more ubiquitous than the barbarians on the frontier, whose constantly hovering presence must have affected all human relationships in antiquity, and whose pervasive threat is so hard for us to appreciate in our medically sophisticated age. Admiration for the courage with which gladiators could face suffering and death was at least partly a response to the inevitable expectation in antiquity that life was fleeting, and illness and injury excruciating and often fatal. That the occupants of the barracks risked valuing one another at all is sobering testimony to the social instincts of the human species.[54]

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[53] Similarities: Coulston 1998; differences: Le Roux 1990; bonding in the face of a shared enemy: MacMullen 1984.

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